

MARYLAND HISTORICAL MAGAZINE

VOL. 55, No. 3

SEPTEMBER, 1960

CONTENTS

	PAGE
Two Anomalous Annapolis Architects: Joseph Horatio Anderson and Robert Key <i>Rosamond Randall Beirne</i>	183
The Executive and the Separation Principle at the Constitutional Convention <i>F. William O'Brien</i>	201
Two Jackson Supporters: Roger Brooke Taney and William Murdock Beall of Frederick <i>Alexandra Lee Levin</i>	221
Sidelights	230
The Conduct of Business in Baltimore, 1783-1785:	
<i>Rhoda M. Dorsey</i>	
A Baltimore Rebel, 1861: 243	
Reviews of Recent Books	244
Chambers, <i>Stonewall Jackson</i> , by Bell Irvin Wiley	
Meriwether, ed., <i>The Papers of John C. Calhoun</i> , Volume I, by Richard Walsh	
Hanley, <i>Their Rights and Liberties</i> , by Francis X. Curran	
Radoff, <i>The Country Courthouses and Records of Maryland, Part One</i> , by Henry Chandlee Forman	
Beard, ed., <i>The Letters and Journals of James Fenimore Cooper</i> , by Curtis Carroll Davis	
Knopf, ed., <i>Anthony Wayne: A Name in Arms</i> , by Donald H. Kent	
Snyder, <i>The Jacksonian Heritage: Pennsylvania Politics, 1833-1848</i> , by Philip A. Grant	
Patrick, <i>The Fall of Richmond</i> , by Theodore M. Whitfield	
Warner, <i>Generals in Gray: Lives of The Confederate Commanders</i> , by C. A. Porter Hopkins	
Tolles, <i>Quakers and the Atlantic Culture</i> , by Kenneth L. Carroll	
Townsend, <i>Katy of Catoctin, or The Chain-Breakers</i> , by Frank F. White, Jr.	
Foster, <i>An Errand of Mercy: The Evangelical United Front, 1790-1837</i> , by Kenneth L. Carroll	
Coulter, ed., <i>Confederate Receipt Book: A Compilation of Over One Hundred Receipts, Adapted to the Times</i> , by C. A. Porter Hopkins	
Buck, <i>Virginia Origins: A Lawyer's View</i>	
Arnade, <i>The Siege of St. Augustine in 1702</i> , by Verne E. Chatelain	
Brown, <i>Early Maps of the Ohio Valley</i> , by Frank F. White, Jr.	
Notes and Queries	259
Contributors	260

Annual Subscription to the Magazine, \$4.00. Each issue \$1.00. The Magazine assumes no responsibility for statements or opinions expressed in its pages.

Richard Walsh, *Editor*

C. A. Porter Hopkins, *Asst. Editor*

Published quarterly by the Maryland Historical Society, 201 W. Monument Street, Baltimore 1, Md. Second-class postage paid at Baltimore, Md.

PUBLICATIONS OF THE SOCIETY

*Add 25 cents for mailing and
Maryland sales tax where applicable.*

Early Explorations of the Chesapeake Bay. By Gilbert Byron. 32 pp.....	\$1.00
His Lordship's Patronage: Offices of Profit in Colonial Maryland, by Donnell M. Owings. 1953. (Studies in Maryland History No. 1) ..	\$6.00
Baltimore as Seen by Visitors, 1783-1860. Raphael Semmes. 1953. (Studies in Maryland History, No. 2)	\$4.00
The Dulanys of Maryland, Biographical Study Daniel Dulany, the Elder, and the Younger. By Aubrey C. Land. 1955. (Studies in Maryland History, No. 3)	\$6.00
William Buckland, 1734-1774. Architect of Virginia and Maryland. By Rosamond Randall Beirne and John Henry Scarff, F. A. I. A. 1958. (Studies in Maryland History, No. 4)	\$7.50
The Star-Spangled Banner Manuscript in Facsimile. Encased in hand- some folder.....	\$1.00
The Star-Spangled Banner. Illustrated booklet. Description of the writing of our National Anthem. By Harold R. and Beta K. Manakee, 1954 \$.50
Indians of Early Maryland. By Harold R. Manakee, 1959. 48 pp.....	
	Cloth bound \$1.80

CLASSIFIED ADVERTISING

PHOTOGRAPHY

Since 1878

HUGHES CO.

Copy and Restoration Work a Specialty.

Black and White or Color.

C. GAITHER SCOTT

213 W. Monument Street

MU 5-7566 BALTIMORE 1

PHOTOSTATS & PHOTOGRAPHS

Baltimore Photo & Blue Print Co.

211 E. Baltimore Street

Photo copying of Portraits, Old Photographs,

Genealogical Charts, Records, Coats of Arms.

LE 9-6881

PLUMBING — HEATING

M. NELSON BARNES

Established 1909

BE 5-2572

3 West 23rd St.

BOOKBINDING

JOSEPH RUZICKA, INC.

Tu. 9-7847 — Tu. 9-5095

3200 Elm Avenue (11)

Magazines, Books & Records

Restoration of rare volumes

MARYLAND HISTORICAL MAGAZINE

A Quarterly

Volume 55

SEPTEMBER, 1960

Number 3

TWO ANOMALOUS ANNAPOLIS ARCHITECTS:

JOSEPH HORATIO ANDERSON AND ROBERT KEY

By ROSAMOND RANDALL BEIRNE

THE ten years preceding the outbreak of the Revolution produced a building boom in the little capital of Maryland. Fortunes had been made in the colony that warranted dwellings comparable to those of the wealthy in England. The men who owned fleets of ships, thousands of rich acres in timber or under cultivation to the great tobacco crop, or an iron mine, felt that two "seats" were needed. Their country estate might be considered home but a city house in the gay metropolis was desirable.

Building substantial town houses could be in itself a profitable business, for there were always transients coming and going on his Lordship's or Crown affairs. Carpenters, joiners, stone-masons,

with an occasional "plaisterer" were plentiful on the lists of procurable indentured servants but most who professed their trade had not had the strict training required by the London Guilds. An advertisement in the *Maryland Journal* for July 2, 1774, is typical of the accomplishments of a slightly better trained man.

There is arrived in this Town [Baltimore], a person well recommended as a house carpenter and joiner and in drawing plans and elevations of houses, and in mensuration. Any gentlemen or others wanting such a person may hear of him by enquiring of the printer.

The term architect was only just beginning to be a word of common usage, and there were few men, even in the old country, who could call themselves members of that profession.

There were, however, four men in late Eighteenth century, among the known designers of Annapolis buildings who were designated in public records as "architect": William Buckland, William Noke, Joseph Horatio Anderson and Robert Key. Buckland's work has been recorded;¹ Noke is better known as Sheriff of Anne Arundel County, 1771-1776, but is associated with Anderson. Recent research on Anderson and Key has brought them partially out of the shadows.

Joseph Horatio Anderson seems to have sprung full armed into the whirl of activity in the little city on the Severn River. He is working by his own testimony in 1770 but disappears mysteriously after 1774. It is his own statement of 1770 that makes him a character worth investigating. In 1958 a letter of his was found in the "Brown Papers" of the John Carter Brown Library of Brown University which reads as follows:²

Gentlemen

From the Accts. in our papers of 22d Feby—find you are come to a resolution of Building at Providence presumes therefore to tender you my services, as Architect & Superintendant for that purpose—(if not ingaged). I must confess, my mode of application deviates from ye formalities customary on such occasions, such as letters of recommendations etc.—for my part think it needless—after informing you of my Appointment as an Architect & Superintendant to the new State House at Annapolis—as well several private edifices particularly one of a grand &

¹ Rosamond R. Beirne and John H. Scarff, *William Buckland, Architect of Maryland and Virginia* (1958, Baltimore).

² John Carter Brown Library, Providence, R. I., P-BU 74-414.

Eligant Construction for Jos Gallaway Esq. speaker of House of Assembly & Being regularly bread to those Sciences—& ye only one upon ye Continent Prosumes may be of eaquel advantage. For nothing being more desirable & satisfactory to a Society of Gentlemen than the appropriating an Accumulated Sum to ye best advantage—(Particularly in Building that may reflect Honour to ye founders & hand down their names to posterity) rather than ye erecting an unnecessary Ildigested Plan which not only disgusts the Eyes of every beholder—but raiseth Contempt for the pretended abilities of the Artist,—Alas I am sorry to find so many Publick Buildings already erected upon ye Continent without Taste or Genious, wch. has buried many Thousands of pounds subscribed with that freedom of Generosity only eaquel to this Americans. I prosume from my Practical knowledge of the Science as well as my knowledge of several Courts of Europe)—shall not be found wanting in ye Art of pleasing my Employers & to serve them as well to Establish my name upon ye Continent—as these were my Motives that Brot. me to this Country added to my Natural desire of raising the Obnubilated Science to ye highest pitch of Glory on this Continent—If my Offers meet your Approbation—shall in Consequence of a line directed to me attend your appointment till then remains

Gentlemen Your Hum Servt.

Joseph Horatio Anderson

Architect at Philadelphia

Philadelphia 14 Mar 1770

The desire to please and to be remembered on "this Continent" is only equalled by his confidence. It leads one to guess that this aspiring gentleman might be one of the kissers of the Blarney Stone!

Studies of the London record of The Worshipful Company of Joiners and also of the Carpenters' Guild for the years 1700 to 1770 do not reveal the name of Joseph Horatio Anderson among the apprentices. Nor is he listed among any contemporaries in the building trades of all Great Britain.³ Neither can his name be found in Philadelphia. However, in Annapolis it is quite evident that he was in and out of town for four years and that he chose always to be addressed as "Esq. and Architect." The coat of arms imprinted on the sealing wax of his one existing letter adds distinction to the handwriting with its exaggerated curves and curls. The arms appear to be a bend with scallops on a field of ermine, with a munching squirrel for a crest. It can not be found in any of the standard books on British heraldry as the coat of an

³ Research in London, May 1959, on records of the Carpenters' and Joiners' Guilds and at Library of Royal Institute of British Architects. H. M. Colvin, *A Biographical Dictionary of English Architects 1660-1840* (London, 1954).

Anderson. It could, of course, be Irish for the Irish have their own ideas about heraldry, or Anderson could have adopted the American fallacy of using a seal inherited from some maternal ancestor.

Having been thoroughly unsuccessful in providing a background for Joseph Horatio Anderson, the investigator turns quite naturally to the man's own statements, the most important of which is that he designed and supervised the Maryland State House. For years attempts have been made to discover the architect of this building. Dr. Morris L. Radoff, the State Archivist, as recently as 1954 made a careful search of records and came to the conclusion in his book, *Buildings of the State of Maryland at Annapolis*, that Charles Wallace, the undertaker, had gone ahead on his own and built it with the help of various subcontractors. The Treasurer of the Western Shore made all payments direct to Wallace as Superintendant. Since this book was published there has turned up in the State Archives the "Humble Petition of Charles Wallace to the General Assembly, December 20, 1779." which reads,

Soon after the passing the Act of Assembly in 1769 for building a State House, the Superintendants—gave repeated public invitations to Architects and Workmen to lay before them Plans Estimates and Proposals for building and finishing the said house but nothing conclusive or satisfactory was done or offered by any person nor was likely to be proposed—the common opinion being that the £7,000 granted was hardly sufficient for the purpose and your petitioner—tho fully satisfied that no great profit could be made by any undertaker proposed to the then acting Superintendants to undertake the Building and finish the said State House for the said £7,000 Sterling which proposals were agreed to.

He concludes that after "seven years application and fatigue on a public work," he is well out of pocket and hopes for redress.⁴

It is known that the copper roofing was bought in England by Wallace's business partner; that Joseph Clarke later added the present dome and that William Buckland was paid for work "on the Public Building" in its early stages. The last named is considered to have designed the interior woodwork which a reluctant Assembly thought "more elegant than was necessary" in view of their budget. There are in existence floor plans and front

⁴ Hall of Records, Annapolis; also *Md. Hist. Mag.*, XLI (1951), 214.

elevation for the State House, undated and unsigned.⁵ These differ considerably from the plans that were used: the dome is smaller, the portico has two columns instead of four with curving steps at each side, the windows are set in arches, there are quoins of stone, the interior stairway divides at the rear. They have been preserved through the years with the contracts of 1792 for repairing the building. The plans are professionally drawn with considerable skill, but if they are from the drawing board of Anderson, it is quite evident that they were discarded in favor of others. Thomas W. Griffith, one of the earliest historians of the state (1821), wrote that the architect of the State House was William Anderson. Since the only William Anderson living at that time was a man in the mercantile business, with no architectural ambitions, it may be presumed that Griffith, having some first-hand knowledge of the facts, had confused the first name. In summing up, Joseph Horatio Anderson asserted that he designed and supervised the Maryland State House. The weight of evidence is that he may have drawn plans which were never used, but he definitely had no further connection with this building, now the oldest State House in continuous use.

It is easy to prove that Anderson was living in Annapolis during the years when the State House was under way. There was an unclaimed letter for him in the Post Office in April 1771, and it was about this time that he was trying his hand at a design for a new house and store for Charles Wallace himself; Joshua Johnson, the London partner in the large mercantile firm of Wallace, Davidson & Johnson, writes home for news and asks if the new building "is agreeable to Anderson's plan or Noakes?"⁶ In March 1772 a lease (ground-rent) was made "between Charles Carroll, senior, of City of Annapolis, and J. H. Anderson of the same city for Lot 100 for 60 years at £6 per annum in dollars at 7:6 each, payable at the two most usual Feasts *vitz.* Annunciation of our Blessed Virgin Mary and the Feast of St. Michael the Archangel and agree to erect on said lot within 6 years such house or houses the Rent of which shall amount at least to £20 in dollars."⁷ This lot was on King George Street, next but one to the harbor.

⁵ Johns Hopkins University, John Work Garrett Library.

⁶ Wallace, Davidson & Johnson Letter Book, Vol. I, p. 46, Dec. 28, 1771; Hall of Records, Annapolis, Md.

⁷ Anne Arundel County Deeds, IB #3, 1771-1773, Lease p. 245, Hall of Rec.

That Mr. Anderson was building houses in 1772 is attested by suits brought against him in the Anne Arundel County courts by two men who sold him building material, Michael Kripps, a brickmaker, and James Maccubbin, merchant.⁸ In each of these cases he is called "Architect, late of Anne Arundel County." A workman named O'Neal also sued him about this time.⁹ Anderson employed Thomas Johnson, Jr., an eminent lawyer, later to become the first elected governor of Maryland, to defend him. Since the cases were postponed for over a year and George Gordon was to pay up as his proxy if the cases went against Anderson, it can be assumed that the defendant was out of town. It can be assumed, also, that Mr. Anderson like many builders and contractors of his time, was slow in being paid and slower still in settling his debts.

The eminent Thomas Johnson, Jr. was once again to defend his client in a suit brought against Anderson by his servant, William Hardy, a baker. Hardy engaged Samuel Chase, a future Supreme Court Justice, and contended that Anderson "by force of arms did beat, wound and villy treat so that his Life was greatly despaired of and other Harms to him."¹⁰ After a jury-trial each man was fined 15 shillings and costs. Life at home must have been constantly controversial, for again in March 1774 Anderson was sued for assault by the same servant, William Hardy. This time the case was abated.¹¹

There is only one house in Annapolis that can be proved by documentary evidence to have been built by Joseph Horatio Anderson and that house was long ago swallowed up in the expansion of the Naval Academy grounds. In 1773 an Act of Assembly authorized the sale of property belonging to John Morton Jordan, Esq., deceased. Jordan was personal agent and Receiver General for Lord Baltimore, owning large estates in both Virginia and Maryland. He died in Annapolis but left a widow and infant son in England. The Act stipulated that the brick dwelling on the two acre lot "was not to be sold for less than £1500 sterling over and above such sums as Jordan in his Life time had or his Executors should Pay and advance Joseph Horatio Anderson"

⁸ Anne Arundel County Judgments, 1773, p. 30, H. of R.

⁹ *Ibid.*, 1772-1773, DG #1, p. 230, H. of R.

¹⁰ *Ibid.*, 1772-1773, DG #1, p. 47, H. of R.

¹¹ Anne Arundel County Criminal Court, March 1774, H. of R.

who had built it for Jordan.¹² *The Maryland Gazette* had advertised this place for sale in January 1772, describing the house and lots as a square, one side on the Severn River and "with a large stone wharf begun." Jordan's estate was not settled until after the Revolution and then largely by confiscation. John Nesbit Jordan, the heir, being just of age came to America in 1783 to look after his interests. He was so completely unsuccessful that his only redress was to file a claim against the British Government for his losses. In the Loyalist Records he claims that his two lots in Annapolis with handsome offices, dwelling house, coach house and large warehouses were not legally confiscated but that the executors of the estate had converted it to their own use.¹³ This house we can be certain Anderson both designed and built.

Two years after old Charles Carroll leased a city lot on which Anderson was to build a house the two men were again in contact over house building. Writing from his estate, presumably Doughoregan Manor, on May 11, 1774 to his son in Annapolis, the elder Carroll says,

Mr. Anderson called here on his way to Frederick . . . and told me Mrs. People would be Here next day with a cart would call and leave the Plan of my House. I have not since seen Him or Mrs. People and He does not want ye Plan to make out a Bill of Scantling or for any other Purpose. Pray send it in the Chariot with the Child.

In another letter he repeats impatiently, "Mr. Anderson would send House plan but it has not come."¹⁴ With all the various properties owned by Charles Carroll of Annapolis, from tidewater to the Blue Ridge, the house could be anywhere, but the one most likely to have commanded the attention of a trained architect was "Doughoregan." The unknown designer of this great mansion might someday be proved to have been J. H. Anderson.

It was about this time that Anderson felt that as "Gentleman and Architect" he should have an estate. He purchased from John Hammond, the patentee, for 50 guineas, eighty-eight acres on the north side of the Severn River called "Gaither's Intent."¹⁵ This place was near Governor Sharpe's "Whitehall" for in the "Whitehall" accounts for 1773 is the item "Pork for Horatio

¹² *Arch. Md.* LXIII, 403, 404, June-July, 1773.

¹³ Loyalist Claims, Maryland. British Records film at Md. Hist. Soc.

¹⁴ Carroll Papers, A. L. S. 2 pp.; Vol. III, p. 64, Md. Hist. Soc.

¹⁵ A. A. Co. Deeds IB #4, 1773-1774, f. 122.

Anderson's People at the Glebe house £12/0/0."¹⁶ Anderson did not long enjoy his plantation. Perhaps it was only a business transaction. The following year he sold it to William Noke, Sheriff of Anne Arundel County. The plantation carried a lien to Jonathan Wilkinson, a bricklayer of Annapolis who had a suit against Anderson and the sale was subject to a "Condition that Joseph Horatio Anderson pay Jonathan Wilkinson for his suit brought into the County Court August 1774 by May 1, 1775, then this deed to be of none effect and if not paid then to remain in full force." The consideration was £87:10. In 1777 Wilkinson got possession of "Gaither's Intent" from Noke who said he had received the £87:10 from Anderson and that Mrs. Anne Noke renounced any dower claim.¹⁷

There were other ties than adjoining property between Colonel Sharpe, the ex-Governor, and J. H. Anderson. Sharpe had built himself in 1764 "a pretty box of a house" across the Severn from Annapolis with a view down the Bay which he designed as a hunting lodge and an escape from his official duties. When he retired in 1768, from his position as chief executive to this seat, "Whitehall," he wished to enlarge the house and make it his permanent residence. Drawings were made which are still in existence for wings and extension of wings, for a handsome octagonal stable for the Colonel's racehorses and for a court-yard. Directions on these plans are in the handwriting of Joseph Horatio Anderson.¹⁸ It is clear that it was the intention of the owner and the architect to make what had been a bachelor's retreat into a noble, elongated mansion, with grounds landscaped after the best English plans, fit for a queen. However, the Colonel was past marrying and the rumble of trouble in the colonies was in his ears. Bedroom wings were built before he left for a visit to England, unconscious of the fact that he would never again see his beloved place.

The elaborate plans for flush toilets, a rarity even on the continent in those days, for the stable and for a courtyard at the land approach resembling a fortress, are the work of a trained architect. They are undated and unsigned but unique in design and scope. Undoubtedly the writing is similar to that of the 1770 letter to the

¹⁶ Charles Scarlett, Jr., "Governor Horatio Sharpe's Whitehall," *Md. Hist. Mag.*, XLVI (Mar., 1951), 18.

¹⁷ Anne Arundel Deeds, IB #4, f. 534; Anne Arundel County Mortgage, IB #5, 1774-1778, f. 380, H. of R.

¹⁸ In the collection of the owner of "Whitehall."

College at Providence from J. H. Anderson. Whether the extreme extension of the wings with their adjoining passageways, the stable, and the other improvements were ever actually completed has not yet been fully determined by the research of the present owner, Charles Scarlett.¹⁸ He has restored what on the blueprint appears to be a fortress to the north of the front entrance. The terminology, bastions, petard gate, ramparts, etc. seem to prove that the good Governor was unduly alarmed by fear of Indian attacks. Perhaps, it was only memories of his part in the French and Indian War for from 1764 on the only trouble was far to the West of the Blue Ridge mountains. Those in authority bent over backwards to placate the Redman and to keep peace for the belligerent colonists in the "wild lands."¹⁹

There is one other puzzling fact in connection with Anderson's plans for "Whitehall." He did not design the handsome interiors because the surviving plan is in another hand. Most students of this house have attributed the wood work to William Buckland. If Anderson's plans had been accepted and carried out would he not have boasted of it in his letter to Providence? The mansion of the ex-governor of Maryland would have been more of a feather in his cap than the house of Joseph Galloway, Speaker of the Assembly of Pennsylvania. When the complete history of "Whitehall" comes to be written more evidence will be forthcoming and perhaps this enigma may be solved.

Anderson was still in Annapolis in 1774, trying to make a living by one means or another. His patronage was extended to lesser men as witnessed by an advertisement in the *Gazette* for January 20:

Samuel Rusbatch, late pupil of Robert Maberly, Esq. coach and herald painter and varnisher to their majesties and the royal family; proposeth (under the direction of Joseph Horatio Anderson, architect in Annapolis) to carry on all the various branches of coach and herald painting, varnishing, gilding; as well plain as in the most decorated taste. Also painting in fresco, cire-obscure, decorated ceiling for halls, vestibules and saloons, either in festoons of fruit, flowers, figures or trophies. Carved ornament in deception, gilding and burnishing in the neatest manner, in common colours etc. Those ladies and gentlemen who please to favour him with their commands, may depend on his speedy execution; which he flatters himself will soon recommend him to the favour of the public. N. B. All letters and orders, sent or directed to Mr. Anderson (as above) will be particularly attended to.

¹⁸Shelburne to Sharpe, Sept. 1766; Dulany Papers III, Md. Hist. Soc.; Hamersley to Sharpe, July 18, 1768, *Md. Hist. Mag.*, XLVI (Mar., 1951), 8-26.

This bears the earmarks of having been written by the effusive architect himself.

In the meantime Anderson had signed with most of the Crown officials and the monied interests of Annapolis the protest against citizens who did not want to pay their just debts to the merchants. The protest of May 30, 1774, carried the signatures of many who had the most to lose, as well as of those with Tory leanings. J. H. Anderson was one of them. In July of that year another letter waited at the post office to be claimed by "Joseph Horatio Anderson, Architect at Annapolis."²⁰

After this there are but a few traces of Anderson's meteoric career. A runaway servant of his was brought into court in 1775; he is mentioned as a participant in a rather shady deal when stolen goods changed hands in Alexandria, Virginia. Anderson may have been only an innocent friend when he passes "the papers" on to his old acquaintance William Noke.²¹ But in this case, brought into the Anne Arundel Court in 1781, he is mentioned as deceased.

Long after his death another important suit in Chancery Court involved Anderson. It was in 1794 that Robert Key, another local architect, sued the committee responsible for building the second edifice for the Anglican parish.²² The committee had not paid Key what he felt was his due and there is much recrimination in the evidence presented. St. Anne's had been completed in 1792 at a cost of £6000. The brick building was 110 feet by 90, surmounted by a tower. Pilasters between the long windows gave it character. The interior walls were frescoed and besides the many pews for the subscribing gentry, there were galleries for servants and a gallery for slaves.²³ The Hon. John Ridout's answer to the suit contains the following statement: "The elegant Plans provided by Mr. Anderson left nothing for Mr. Key to do in the line of drawing excepting what arose from an alteration in the framing of the Roof." Dr. Upton Scott filed his answer saying: "The Plans of the intended Church were drawn by Mr. Anderson, an eminent Architect who died soon afterwards." Eighteen years after the new church was begun it was still very clear in the minds of the committee what part Anderson had taken and what they

²⁰ *Maryland Gazette*, July 14, 1774.

²¹ *Anne Arundel County Chancery Court*, 1781, Vol. 13, p. 424.

²² *Ibid.*, #2942, *Hyde vs. Key*.

²³ Elihu S. Riley, *The Ancient City* (Annapolis, 1887), p. 75.

owed Key. Here Joseph Horatio Anderson's design for a building which yielded to fire in 1858 is well documented.

Having covered as completely as possible Anderson's life in Annapolis, we return to his letter to the College at Providence and find that in 1770 he was at work upon "a grand and Eligant Construction for Joseph Galloway, Esq." Here real detective work is required. Joseph Galloway, that eminent Philadelphian who originated in Anne Arundel County, Maryland, who though Speaker of the Pennsylvania Assembly and delegate to the first Continental Congress, could not break with the Mother Country and was marked as a traitor, owned three houses. The most famous of these was "Trevoze" in Bucks County, a seat on the Neshaminy River, back a little from the old mail route from Philadelphia to New York. It belonged in reality to his wife, Grace Growden, who had inherited it. The dwelling begun in 1685, finished two years later, was two and a half stories of stone and stucco with two detached two-story wings. Though much altered through the years, its history is well known and Anderson could not be considered the designer.²⁴

A second estate of 45 acres nearer the city, on the banks of the Schuylkill, was bought by Galloway and used as a rural retreat. There must have been a simple house of some sort on the place but "Ormiston" as we know it now was built after the Revolution. Bought in as confiscated property by Edward Burd, the third of successive owners, it is dated by his letter of October 10, 1798, saying: "I have built a good house at Schuyekill and call it Omiston."²⁵ Anderson was dead long before this event.

Galloway's only other house was his town address of 6th and Market Streets, Philadelphia. This he bought in 1770 from Asrael Pemberton on the very day, June 9, that Pemberton had bought it from Alexander Stedman. The purchase price was £2700, representing a fairly handsome structure and from a detailed description in an insurance survey, this was the case.²⁶ Stedman bought the property in 1761 or 2, erected the three-story brick dwelling

²⁴ H. D. Eberlein and C. V. D. Hubbard, *Portrait of a Colonial City* (Phila., 1939), pp. 68-75.

²⁵ *Ibid.*, pp. 493-495; also Thompson Westcott, *Historic Mansions & Buildings of Philadelphia* (Phila., 1877).

²⁶ The Philadelphia Contributionship #1133, 1134, 1135, 1766; Philadelphia Deed Book 1—16/162; Work No. 610 for the Philadelphia City Planning Commission, Preliminary Report, Historical Sites. Through the kindness of Penelope Hartshorne, architect, National Parks Service.

and trimmed the interior with wainscoting to the ceiling, "dentile cornish round the rooms, Freese, Architrave and Pediments over Each Room door," and all other ornamentation in keeping with his position as a Justice of the Supreme Court of Pennsylvania and a member of the Philadelphia Common Council. Because of the dramatic treatment accorded Joseph Galloway as a traitor to his country; the removal by force of poor deserted Mrs. Galloway by an exasperated Commissioner, the usual urbane Charles Willson Peale; and the taking over of the house by the Robert Morris when General Washington moved into their house; history has left many records of the south-east corner of 6th and High (Market) Streets.²⁷ The evidence is clear, however, that Galloway did not build this house, nor did he own it until several months after Anderson wrote his letter to Providence. If we are to believe Anderson, then the only solution is that Joseph Galloway intended to build a handsome residence on his estate on the Schuylkill in 1770, bought the town house instead or felt that the time was not auspicious for building.

Summing up the American career of Mr. Anderson, Architect, is to a large extent a negative statement. It is not known where or in what way he "had knowledge of several Courts of Europe." He had no wife or she would have signed the deeds for "Gaither's Intent" and no estate records or death notice can be found though he probably died in the colonies. He took no oath of allegiance in Maryland, required after 1777, nor does he apply to the British government to make good losses received during the war. He worked in Annapolis, Philadelphia, Frederick and Alexandria. The drawing of plans, the designing of buildings, rather than superintending any of the actual construction, was his profession. He regarded himself highly and others took him at his own valuation. The church wardens thought him "Eminent" and his plans for the enlargement of "Whitehall" show skill and training. There is good probability that his statement is correct in claiming that he drew plans (though they were not used), for the Annapolis State House and for Joseph Galloway in Philadelphia. He did not fulfill his desire to design buildings for the College at Providence.²⁸ In spite of the braggadocio, it can be

²⁷ Raymond C. Werner, ed., "Diary of Grace Growden Galloway," *Pa. Mag. of Hist. & Biog.* LV, LVIII (1931, 1934), 32-94; 152-189.

²⁸ Lawrence C. Wroth to R. R. B. May 23, 1958.

stated with assurance that Joseph Horatio Anderson was a man of parts who had had training somewhere and that he drew plans for buildings in a manner which entitled him to be known in the colonies as "Architect."

* * *

ROBERT KEY

Whereas Joseph Horatio Anderson did his own advertising, Robert Key had a devoted wife who made known his talent. Rebecca Campbell Key was a very old lady when she dictated what she could remember of her youth in Annapolis and these recollections were eventually published.²⁹ Where her memory has been checked, it has been proved remarkably accurate but there is some testimony resting solely on her word.

Mrs. Key said that her husband, an architect, was an Englishman, meaning that he was born in the old country. She came of a family that had been in Maryland since the Jacobite troubles forced them from Scotland in 1715. Her father, John Campbell II, and his wife, Frances Hammond, were members of St. Anne's Parish and her great grandmother had been the wife of that early architect, Simon Duff, who came from Scotland, she says to build Governor Bladen's official residence. This was the building long known as "Bladen's Folly," too grand a structure for the Assembly's taste. It has since been proved, however, that Patrick Creagh, not Duff, should be given credit for this initial building for St. John's College which stood a deplorable ruin for over thirty years.³⁰

The name Key was sometimes pronounced and spelled Kay and, as often as not, had a final "s" added. The only contemporary one in the London Apprentice Book of the Carpenters and Joiners' Guild is Robert Keys who was apprenticed in 1754 to one "Richard Priest of Clerkenwell, joiner, £5."³¹ This could well have been our man who might then have come to America at age twenty-one in the 1760's. He appears to have been no relation to the well-

²⁹ Annie Leakin Sioussat (ed.) Rebecca Campbell Key's "A notice of Some of the First Buildings with Notes of Some of the Early Residents." *Md. Hist. Mag.*, XIV (1919), 269.

³⁰ Joy Gary, "Patrick Creagh of Annapolis." *Md. Hist. Mag.*, XLVIII (Dec., 1953), 310-326.

³¹ Apprentice Books, Vol. 17, 3517-20/36, 1754, London.

known Key family, at this time extending their holdings from St. Mary's County to more northern parts of the colony.

Mrs. Key comments on the friendship between her husband and Governor Eden and bears it out with several anecdotes. Robert Eden arrived in Annapolis in 1768, bought Edmond Jenings' fine house which had been rented by his predecessor, Horatio Sharpe, and employed Robert Key to enlarge it.³² William Eddis, that faithful chronicler, writes home in October 1769: ³³

The governor's house is most beautifully situated and when the necessary alterations are completed, it will be a regular, convenient, and elegant building. The garden is not extensive, but it is disposed to the utmost advantage; the centre walk is terminated by a small green mount, close to which the Severn approaches; this elevation commands an extensive view of the bay, and the adjacent country. The same objects appear to equal advantage from the saloon, and many apartments of the house; and perhaps I may be justified in asserting, that there are but few mansions in the most rich and cultivated parts of England, which are adorned with such splendid and romantic scenery.

Key added a rounded bay to the ballroom of the square brick house, extended wings for offices and kitchen and enlarged coach-house and stables. For some of this work, he was not paid until the Governor left the colony in 1776, when he was told to take the crystal chandeliers, valued at £1200. To the Keys' indignation the Committee of Safety for Maryland got there first and condemned all the Edens' personal property as enemy assets. Mrs. Key credits Governor Eden with further patronage to his architect friend by giving him the new Ball Room to design and build. This is the building still on Duke of Gloucester Street, Annapolis, but now with little to identify it with the Eighteenth Century. Eddis describes it as of elegant construction, illuminated to great advantage. Those who did not want to dance fortnightly could retire to the card rooms at either end for an evening of gaming.³⁴

Robert Key is called "long a worthy and respectable citizen of Annapolis" but there are few records to prove it.³⁵ Fairly regularly during 1772 and 1773 he took his "today" at 1/6 with the other patrons of William Faris' tavern. Occasionally he is down in Faris' books for "supper and club"; once he hired a horse for

³² R. C. Key, *op. cit.*

³³ William Eddis, *Letters from America* (London, 1792), p. 17.

³⁴ *Ibid.*, 32.

³⁵ David Ridgely, *Annals of Annapolis* (Baltimore, 1841), p. 244 n.

three days and once he borrowed a small sum.³⁶ In March 1773 he bills the Commissioner of the Loan Office for repairs, "Myself and man one day each @ 7/6." In 1774 he, like Joseph Horatio Anderson, signed the protest against the proclamation renouncing debts to British creditors.³⁷ Mrs. Key tells of his banishment from Annapolis because of his Loyalist leanings. She makes him something of a hero when he gives Eden warning that a deputation is on his heels, and helps speed the Governor from his garden seawall to H. M. S. *Fowey*, lying off the point to carry him back to England. Once when his wife was ill, he paid her a visit incognito but the word got around and the house was surrounded. With the prevailing civility the patriots allowed Mr. Key to finish his tea before escorting him across the river, headed for Baltimore. Key apparently decided later to renounce his unpopular attitude for he took the oath of fidelity in Anne Arundel County in 1779.³⁸ His only wartime service to his adopted State seems to have been in acting as courier and carrying a letter to Governor Lee from Baltimore Town in 1781.³⁹ To be sure there is a mysterious entry of £26:19 for services rendered the State in 1779 but whether for architectural or military work, we do not know.⁴⁰ Again in 1785, an account is rendered "For view of State House, etc. 12:16:8."⁴¹

If ever Key was in need of a meal or a little pocket money, he could count on the patronage and generosity of Edward Lloyd IV of "Wye" and Annapolis. For a period of twenty-eight years, 1774 to 1802, he served the Lloyds at both town house and plantation.⁴² Often the entries in the Lloyd business ledgers are for small repairs such as: "Repairing Stable with one new Slate, making a coach jack, etc." More pretentious was his "Building a Temple," presumably a garden house at "Wye." Once he is credited with 51½ days' work at Wye House and again "for 106 days' work about Green House, Mansion House and Sundry Repairs." What he did in Talbot County and what he did in Annapolis are generally carefully separated and, of course, in his years

³⁶ Faris Account Books, Md. Hist. Soc.

³⁷ Ridgely, 155, *op. cit.*

³⁸ Scharf Papers, Md. Hist. Soc.

³⁹ *Arch. Md.*, XLVII, March 1781, p. 142.

⁴⁰ *Ibid.*, XII, 543, Oct. 2, 1779.

⁴¹ Intendant's Day Book #2, 39 and Orders #2, 3; Revolutionary Records, Hall of Records, Annapolis.

⁴² Lloyd Papers, Md. Hist. Soc.

of exile he worked almost entirely at "Wye." The sum of £279, roughly the total of his collections from Edward Lloyd, does not seem sufficiently great to accept him as the designer and builder of "Wye House." He received at that time ten shillings a day, larger than the five and a half Lloyd paid to both William Buckland and William Noke for work on his town house. This would seem to indicate that the ten shillings were for Key and his workman and that they were serving as independent journeymen. Sometimes he is paid by Lloyd's factor in Annapolis and once, in 1774, David Stewart of Baltimore was ordered to pay him ten guineas. In an undated letter Arthur Bryan, the factor, writes the extravagant young owner of expensive houses:⁴³

After much plague and trouble I have Settled with Mr. Key the Balance Coming to him has left your Mama almost clear of Cash. I have Inclosed his Ansr against you I thought the charge of repairing the Stable too high and came under no agreement about it to support such a charge he has drawn or orders on you in favr of Mr. Lucas and Mr. Garnet.

Some of this protested work was for drawing the design for a tent with a suspended cot bed.

Mr. Key was not a very good risk for the universal credit system of business. In the Davidson Account Books where he is frankly called "Carpenter," he is charged for many items ranging from Bohea tea to whip-saw files and in pencilled notes interest is added for the ten years past.⁴⁴

The most important building done by Key was undoubtedly that on St. Anne's church in Annapolis. When the Assembly granted funds in 1774 to build a new church, it was Robert Key who took down the organ and repaired the fence around Church Circle.⁴⁵ The old edifice was torn down and usable material stacked for future use. But with the arrival of the war all building plans were postponed, the congregation worshipped as best it could in the theatre, and vandals or patriots made away with most of the accumulated timber and bricks. It was 1784 before work could begin on the new building. As has been stated in the article on Joseph Horatio Anderson, a law suit developed ten years later over Key's bill to the Assembly-appointed trustees.⁴⁶ The Trustees

⁴³ Arthur Bryan to Edward Lloyd III, n. d., *ibid.*

⁴⁴ Davidson Account Books, 75, Md. Hist. Soc.

⁴⁵ St. Anne's Vestry Records quoted in *Md. Hist. Mag.*, X, 140.

⁴⁶ *Hyde vs. Key*, Chancery Court, Anne Arundel County, #2942, 1794.

made it plain that Anderson had drawn the plans and that all that Key had to do was to carry them out. Each Trustee wrote an answer that was filed with the Court. Samuel Chase and William Paca both begged off as they had by this time moved out of town and had had very little to do with the building. The burden had been laid upon the shoulders of Thomas Hyde, a prominent merchant, who by 1790 was anxious to be relieved of it. His feelings were hurt by an article in the *Gazette* complaining of the slowness of construction, and harassed by Key, he was ready to account to the General Assembly and "Chearfully resign his trust," which he did. This left the Hon. John Ridout and Dr. Upton Scott as remaining Trustees.⁴⁶

The Trustees find it impossible to ascertain with any Degree of Precision, the exact Sum that is justly due. Some of his charges are totally without Foundation, others extremely exaggerated,—the whole Account is either involved in a designed Obscurity—or fabricated at random as the different circumstances have struck his Imagination.

John Ridout maintained that in 1784 "Mr. Key inspected the Plans, Drawings and estimate made by a Master Architect [J. H. Anderson] and agreed to execute all the Carpentry of the Church on terms." As time went on, he became less diligent and asked the Treasurer for payment in advance. His work was unfinished; the cashier alleged he was sometimes in liquor when he applied to him for money. More specifically, he had charged for designs which were unnecessary and for trips to the Eastern Shore. Both sides employed professional men to value the work done; Joseph Clark was brought in by Key; John Jarvis and Cornelius West measured and valued for the Trustees. In 1790, the Trustees had offered to settle out of Court on terms judged fair by Jarvis and West, but the years went by until 1793 when William Pinkney, a national figure, was brought in to try to settle the case. Key was apparently living out of town, for he gave power of attorney to James Williams, Annapolis merchant, a trust which he "dis-annuls" in 1806. By that time the Court was ready for a decision. The verdict was that Key should be paid £1110:4:1 with interest, the exact amount left over from subscriptions, lottery, Assembly appropriations, etc., after all other bills had been paid. Key felt he was due £5000.

Key called himself "carpenter and joiner" all through the St. Anne's case but others referred to him as "architect." Most

records of him are in Annapolis but he moved continually back and forth to Baltimore and to the Eastern Shore. In 1783, he leased "Sundry Lots on Wilkes Street," Baltimore, from William Fell,⁴⁷ and, in June of that year he appeared as a witness in a Baltimore County case.⁴⁸ Mrs. Key remembered that her husband had traveled down from Baltimore to greet his old friend, then Sir Robert Eden, when he arrived in Annapolis on that fateful visit. But Robert Key eventually returned to his wife and his original residence for good. The notice in the *Gazette* for September 21, 1786 that Edward Vidler and Robert Key were "prepared to design and build houses of every kind" and had workmen, failed to bring in business. Key did not prosper in the building profession, for in 1792 he appears as a "languishing prisoner" in the Anne Arundel County jail for nonpayment of a small debt and is listed at the time of his release among the insolvent debtors.⁴⁹ Six years later, according to the county tax lists Robert Key and William Bishop were occupying a frame dwelling house, single story, 32 x 18 on a quarter of an acre rented from Richard Frazier.⁵⁰ This was obviously an office, and the occupancy was the last recorded event in Key's life.

Rebecca Campbell Key did not die until 1840, some time after the death of her husband, who seems to have left no estate. The last years of her life must have been difficult ones. With her sister, Frances Campbell, she was a pensioner of the county, receiving thirty dollars a year.⁵¹ Perhaps they lived together, and, if so, in the country below Annapolis, since Miss Campbell was buried in the churchyard of All Hallows. Mrs. Key, late in life became a convert to Roman Catholicism and it is not known where she was interred.⁵² Though Robert Key disappears as mysteriously as he came, he should take his rightful place in that band of gifted artisans who came to the colonies to seek a living and elevate the taste in building.

⁴⁷ Deeds, Baltimore, W. G. Q 293, 1783, H. of R.

⁴⁸ Chancery Court, Baltimore County, B 45-321, 1800, June 1783, H. of R.

⁴⁹ Liber Insolvent Debtors, Anne Arundel County Records, 91, Aug. 24, 1792. Estate of Richard Flemming, debts due from Robt. Keys 5:10:0. "Justices of Peace release him, a languishing prisoner in Anne Arundel County Gaol, July 2 to August 24, 1792."

⁵⁰ Tax List, Anne Arundel County, 1798, Md. Hist. Soc.

⁵¹ Liber Levy Book, pps. 306, 336, 370, 400, 431, 452, 1830-35, A. A. Co. Records.

⁵² R. C. Key, *op. cit.*

THE EXECUTIVE AND THE SEPARATION PRINCIPLE AT THE CONSTITUTIONAL CONVENTION

F. WILLIAM O'BRIEN, S. J.

IN his concurring opinion in the Steel Seizure Case in 1952, Justice Frankfurter borrowed from Brandeis the following justification for his arguments: ¹

The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

In the immediate context in which Frankfurter wrote, the implication is that the principle of friction through separation was operative in 1787 not only in a general way, but that it was particularly operative on the Founding Fathers when they set about establishing the Executive Department of the National Government.² Also implicit in Justice Frankfurter's quotation—or if not implicit, at least inviting easy inference—is that the Founding Fathers were much influenced by their fear of an *efficient* Executive, that they aimed at embarrassing his free action, and, finally, that the friction they hoped for was to be created by causing him constantly to encounter the Legislature.

¹ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U. S. 593, 613. Brandeis along with Holmes and McReynolds, dissented from Taft's majority opinion that the power of removal from office was concomitant with the power of appointment. Both Taft and Holmes leaned heavily on the "removal" debates of Congress in 1789. See *Meyers v. United States*, 272 U. S. 52, 290, 293 (1926).

² The principle of separation of powers has always been on hand as an instrument capable of exulting the horn of either branch. Historically it had been for the colonial Whigs a principle to invoke in order to enhance the local legislatures. In the *Meyers* case, Chief Justice Taft used it to heighten executive power. In the case of *Humphrey v. United States*, 295 U. S. 602 (1935), Justice Sutherland made a recovery for the Legislature by basing his "removal" decision on the same principle. And finally Mr. Truman at one time invoked the separation theory to give defensive power even to ex-presidents. See the *New York Times*, November 26, 1953 for Arthur Krock's comments on the Committee of the House on Un-American Activities, whose subpoena Mr. Truman refused to honor.

It is not possible to psychoanalyze the Founding Fathers to determine what was their most dominant motive when they established the Executive Department, settled on the extent of its powers and fixed a method for selecting the executive head. Certainly there was suspicion of all government power, particularly national, and aversion to monarchical power of any kind.³ No doubt the theory of separation was one of the great political principles that had influenced the thinking of the Colonists for a long time. However, it is submitted that in 1787 the immediate problem before the early American statesmen was to create an Executive Department with strength, and that when the principle of separation was applied in a practical concrete way, it was applied not to encourage friction but to avoid it, and by avoiding it to make the national government, especially in its executive and administrative organs, efficient.

Professor Charles Thach seems to support the opinion submitted above when he says: ⁴

The adoption of the principle of separation of powers, as interpreted to mean the exercise of different functions of government by departments officered by entirely different individuals, also seemed insistently demanded as a *sine qua non* of governmental efficiency. . . .

To throw more light on the subject it will be profitable to study the debates in the Convention on the Virginia Plan for the selection of the executive head. But to make this study more understandable, it will be helpful to review the equipment, in terms both of political theory and of political experience, which the Founding Fathers brought with them to the Convention. To this end a brief survey of colonial and early state history will first be made.

It was inevitable that people in the royal and proprietary colonies should grow up with a distrust of the executive branch of government and a softness towards legislative supremacy.⁵ The

³ E. Ellis Stevens, *Sources of the Constitution of the United States* (New York, 1927), p. 147. That the fear of monarchy in the person of the American Executive was much alive in 1788 is proved by Hamilton's devoting considerable attention in the *Federalist* to those who were pointing out an analogy between the English King and the President. "Calculating upon the aversion of the people to monarchy, they [the writers against the Constitution] have endeavored to enlist all their jealousies and apprehensions in opposition to the President. . . ." (No. 61. See also No. 69).

⁴ Charles C. Thach, Jr., *The Creation of the Presidency* (Baltimore, 1922), p. 70.

⁵ W. E. Binkley, *President and Congress* (New York, 1947), chp. 1, pp. 3-17.

governor was the king's representative in America and was the immediate target for all local attacks on royal arbitrariness. On the other hand, the popularly-elected assemblies were looked upon as the surest defense of the people's rights.⁶ Maryland may be taken as fairly typical. "The habit of attack on the prerogatives and privileges of the lord proprietor," writes Charles A. Barker, "had begun when the colony began." In 1725 the House of Delegates asserted that "It is we that are the people's representatives for whom all laws are made and human government established." The history of seventeenth century England helped to fortify them in these pretensions to legislative supremacy, and thus they viewed themselves as "the Cokes and the Hampdens of the true English tradition." They were also avid readers of the political theorists who supplied philosophical arguments to buttress the conclusions they themselves reached by daily induction. The writings of John Locke, the great defender of parliamentary supremacy against royalty, were in wide circulation, as were those of the lawyer William Blackstone.⁷ All strengthened the colonists' conclusion on the need of checking power against power and of keeping the three departments of government separate.⁸

However, the aim of the colonists was not to preach a doctrine of *equal* and separate departments, but rather to use the texts of the political philosophers to enhance the prestige of their own local assemblies and conversely to depress the presumptions of the Executive whether in the person of the King or the Colonial

Only in Rhode Island and Connecticut, whose charters granted virtual republican governments, was the legislature supreme, largely because it chose the governor.

⁶ "Before the revolution the executive and the judicial powers were placed neither in the people nor in those who professed to receive them under the authority of the people. They were derived from a different and a foreign force. . . . On the other hand, our assemblies were chosen by ourselves. . . . Every power which could be placed in them was thought to be safely placed; every extension of that power was considered as an extension of our own security." (James Wilson, *Works*, Vol. I [Chicago, 1898], 356-358.) Charles Albro Barker, *The Background of the Revolution in Maryland* (New Haven, 1940), pp. 1, 65-67, 112, 162-168, 373.

⁷ Over 2500 copies of Blackstone were sold in America before 1776. See E. S. Corwin, *The Doctrine of Judicial Review* (Princeton: Princeton University Press, 1914), 33, note 48. See also Corwin's *The President: Office and Powers* (New York, 1948), p. 6.

⁸ Six years before Montesquieu published his *Spirit of the Laws*, his doctrine was concretely put into practise by the Massachusetts House of Representatives when in 1742 it rejected the demand of Governor Shirley for a permanent salary giving as a reason for the rejection fear lest the grant "would lessen the just weight of the other two branches of the government, which ought ever to be maintained and preserved. . . ." See William S. Carpenter, "The Separation of Powers in the Eighteenth Century," *American Pol. Sci. Rv.* XXII (February, 1928), 37.

Governor. Thus when Independence was declared in 1776, the Governors in the new states were stripped of most of their power and the colonial assemblies became nearly omnipotent. What is more, in actual operation, the first state constitutions left the Executive even weaker than a mere reading of his powers would lead one to believe, for the Legislatures were prone to interpret the constitutions freely to their own advantage and there was no defense against their usurpations.⁹ "Separation of powers, whatever formal adherence was given the principle in bills of rights, meant the subordinate executive carrying out the legislative will."¹⁰ In all the states except in New York, the governor was chosen by the Legislature, his term of office was short, and his powers meager.¹¹

Those who believed that "every extention of (legislative) power" was necessarily an extention of their security were soon disillusioned. This is especially true of the more conservative elements of society, but even liberals like Jefferson viewed the results with manifest alarm. "All the powers of government, legislative, executive, and judicial results to the legislative body. The concentration of these in the same hands is precisely the definition of despotic governments. . . . 173 despots would surely be as oppressive as one."¹² Madison expressed the conservative view when he spoke in the Convention of the tendency "to throw all power into the legislative vortex," and predicted an inevitable revolution if no check was found for restraining the popular branch of the governments.¹³ During the Convention John Mercer, one of Maryland's delegates, evinced this same dissatisfaction when he urged the need of protecting "the people against those

⁹ Note, for example, how the Legislature of New Hampshire, in the face of the constitutionally-provided separation principle, infringed on the judiciary by vacating its proceedings, and annulling its judgments. See E. S. Corwin, "The Progress of Constitutional Theory, 1776-1787," *Am. Historical Rv.*, XXX (1925), 514.

¹⁰ Thach, *The Creation*, 34. Professor Corwin offers a partial explanation for this disregard of the separation principle in this that in 1776 it was not yet clear what the terms "judicial," "executive," "legislative" meant. See "The Progress," p. 514.

¹¹ Thach, *op. cit.* 28-37. In New York, the governor was chosen by a constitutionally defined electorate, not by the Legislature, p. 37.

¹² Thomas Jefferson, *Notes on The State of Virginia*. This quotation is taken from Binkley, *op. cit.*, p. 20.

¹³ Max Farrand, *Records of the Federal Convention*, 3 vols. (New Haven, 1911), II, 35. See also *The Federalist*, 48. Dr. Carpenter asserts that this tendency of the State Legislatures was due to the failure of the Constitutions to define legislative powers clearly. See his "The Separation," pp. 32-34.

speculating legislatures, which are now plundering them throughout the United States." At another juncture in the debates he asserted that "the corruption and mutability of the legislative councils of the States" had led to the convocation of the Convention."¹⁴

The "perils of demoracy" as evidenced in the spoliation of the College in Pennsylvania,¹⁵ the disregard for judicial proceedings in New Hampshire,¹⁶ the debtor laws in New England, and the general retaliatory commercial restrictions in all the States had by 1787 made most of the conservatives and many liberals lose faith in experiments with legislative omnipotence.¹⁷

Conversely, this experience taught the value of an executive body, small in size, fortified with a fixed salary, protected with the veto power, and endowed with the power of appointment. It demonstrated the necessity of making him a vigorous organ of government.

The same lesson was brought home to the Founding Fathers by the operation of the Congress under the Articles of Confederation, adopted March 1, 1781, and by the Continental Congress which ante-dated it.¹⁸ The reason generally assigned for the lamentable showing of the first national congresses is their general lack of power over the States. But just as fundamental is the inept employment of the powers that were allotted to them.¹⁹ Strictly speaking there was no executive department, and, for that matter, no judicial branch in the government of the Confederation, since all powers were vested in the one assembly of delegates representing the thirteen states. Actually, however, this council of ambassadors was an administrative board or managerial body acting for the corporation of States. But Congress was not always

¹⁴ A. T. Prescott, *Drafting the Federal Constitution* (Baton Rouge, 1940), pp. 758, 762.

¹⁵ Corwin, "The Progress," 514; George Bancroft, *History of the United States from the Discovery of the Continent* (New York, 1882), V, 329.

¹⁶ Thach, *op. cit.*, pp. 49-54.

¹⁷ The States did not have to wait 10 years before learning these lessons. One reason given for the unique strength of New York's Executive is that the Constitution there was not adopted until the early fervor for democracy had somewhat abated. Massachusetts, another state whose Executive was strong, adopted its Constitution four years after the Declaration of Independence. Thach, *op. cit.*, pp. 34, 47.

¹⁸ These following observations are largely those of Thach, *op. cit.*, Chp. III, pp. 55-62.

¹⁹ *Ibid.*, p. 56.

in session, nor would the sheer weight and complexity of the work at hand allow it to handle these executive tasks. Hence, out of necessity committees and agencies were given the actual administrative functions. But a basic fault in this arrangement was that the members of Congress were the members of the standing committees: in other words, there was complete fusion and no separation of the branches of government.

An attempt to remedy this defect was made by creating boards and departments of war and of foreign affairs, a Marine Committee, a treasury board, and other departments on a somewhat more independent and integrated basis: non-members of Congress were added to the boards and the principle of unity in department control was paid some respect.²⁰ But the new organization was not successful since there was no constitutional barrier that forbade Congress from meddling in the administrative functions of the departments it created: the separation that was allowed to flourish was mostly personal; the organic connection remained.²¹

The defects in such an arrangement were outlined by Hamilton in 1780:²²

Another defect in our system is a want of energy and method in the administration. . . . Congress has kept the power too much in their own hands and have meddled too much with details of every sort. Congress is, properly, a deliberate corps, and it forgets itself when it tries to play the executive. It is impossible such a body, numerous as it is, and constantly fluctuating, can ever act with sufficient decision with such a system.

Even Jefferson was in harmony with this critical analysis of the Congress, and in a letter of August, 1787 he reveals that he was a part of the movement favoring an executive committee endowed with certain definite powers and standing between the departments and Congress.²³

²⁰ *Journals of the Continental Congress, 1774-1798*, 9 vol. (Washington, 1904), II, 295; III, 105, 330, 382, 511, 564, 574; IX, 8-9. See also Thach, *op. cit.*, pp. 62, 68.

²¹ Thach, *op. cit.*, p. 68.

²² *The Works of Alexander Hamilton*, W. C. Hodge, ed., 9 vol. (New York, 1904), I, "Hamilton to James Duane, September 3, 1780," p. 213.

²³ *The Writings of Thomas Jefferson*, 9 vol. (Washington, D. C., 1853), II, "Jefferson to Carrington," August 4, 1787, p. 218. "I think it very material, to separate in the hands of Congress, the executive and legislative powers. . . . The want of it has been the source of more evil than we have experienced from any other cause."

Thus it was that two sets of experiences, that with the State governments and that with the National Congress, converged to read to the early American statesmen a common lesson: the need of separating the Executive from the Legislature in order to avoid friction and thereby guarantee efficient government. This was the instruction the Founding Fathers brought with them to the Convention of 1787. How well they applied it can be gleaned from studying the debates over the clause in the Virginia Plan relative to the election of the Executive.

On May 29, 1787, the Virginia Delegation put before the Convention in Philadelphia a series of resolutions known either as the Virginia Plan or the Randolph Resolutions because of Governor Randolph who presented them.²⁴ Out of these resolutions, amended and expanded, was to develop at length the Constitution of the United States.²⁵ The Executive Department was spoken of as follows:

7. Resolved that a National Executive be instituted; to be chosen by the National Legislature for the term of ——— years, to receive punctually at stated times a fixed compensation for the services rendered in which no increase or diminution shall be made so as to effect the Magistracy, existing at the time of increase or diminution, and to be ineligible a second time; and that besides a general authority to execute the National Laws, it ought to enjoy the executive rights vested in Congress by the Confederation.

8. Resolved that the Executive and a convenient number of the National Judiciary, ought to compose a council of revision with authority to examine every act of the National Legislature and every act of a particular Legislature before a negative thereon shall be final; and that the dissent of the said Council shall amount to a rejection, unless the Act of the National Legislature be again passed, or that of a particular Legislature be again negatived by ——— of the members of each branch.

Relative to the principle of separation of powers, the Virginia Plan was a decided improvement on the Articles in as much as it established a National Executive, stipulated a fixed term and salary, and invested it with both general executive authority and also the rights of the old Congress. But that principle seemed to be breached in providing for an election of the Executive by the

²⁴ Farrand, *Records*, I, 6 et seq.

²⁵ Max Farrand, *The Framing of the Constitution* (New Haven, 1931), p. 68. Not the executive clause, however, which is largely the work of James Wilson. As a matter of fact, as Thach observes, the elimination of election by Legislature and of the ministerial Council amounted to a complete revision of the Virginia Plan. *The Creation*, p. 87.

National Legislature and by giving to the Council of Revision a veto over the law-making branch.

On June 4 the question of the veto came up for debate. Gerry of Massachusetts immediately objected to having judges on the Council on the grounds that "it was quite foreign to their office to make them judges of the policy of public measures."²⁶ Wilson expressed belief that the provision did not go far enough, and, significantly, his reason for advocating an absolute negative was the need of keeping the proper distinction between the departments. "Without such a self-defense, the legislature can at any moment sink it [the executive] into non-existence."²⁷ Hamilton agreed, but Franklin called upon examples from the use of the veto by the King of England and by the proprietary government in Pennsylvania to show that "this was a mischievous check." Madison observed that if Gerry's objection was valid, it would forbid any kind of veto even by the Executive alone for the maxim of separation was equally applicable. But he did not think either arrangement was an improper mixture of powers.²⁸ Mason of Virginia was strongly attached to the revisionary institution. "The executive power ought to be well secured against legislative usurpations on it."²⁹

The result of the debates was that the judges were excluded from the Council but the power of veto was kept to be exercised with finality by the Executive alone unless the act was repassed by a two-thirds vote of the Legislature. What is significant here is that while the principle of separation of powers was apparently deemed to provide valid grounds for disqualifying the judges for exercising the veto on the Council, the maxim was not applied in the case of the Executive.³⁰

²⁶ A. T. Prescott, *Drafting the Federal Constitution* (Baton Rouge, 1940), p. 598. Prescott's revision of all of Madison's Convention notes on the Executive is used here because of its convenient arrangement.

²⁷ Wilson later answered as follows to those who thought that it was an improper fusion to have judges acting in a two-fold fashion on legislation: "The separation of the Departments does not require that they should have separate objects, but they should act separately, though on the same object. . . ." (Prescott, *ibid.*, p. 555).

²⁸ Madison pressed the point that the check of the Council instead of being at variance with the maxim of separation was really "an auxiliary precaution in favour of the maxim" (*ibid.*, p. 553).

²⁹ *Ibid.*, p. 605. Note that Mason, though not generally a strong executive delegate, justified the veto power on the separation principle.

³⁰ Another important fact of the debates on this point is that they reveal how wide-spread was the distrust of the legislative power. Even the liberal Mason expressed such a distrust and in no uncertain terms. Gorham, while arguing

The provision for electing the Executive brought out clearly in the debates the two great divisions of thought on the general relation of the Executive to Legislature, and here the proponents of a strong Executive did invoke the principle of separation *but* in order to guarantee the independence necessary for strength.

Roger Sherman of Connecticut expressed the extreme anti-executive position when on June 1 he said: ³¹

He considered the executive magistrate as nothing more than an institution for carrying out the will of the legislature into effect: that the person or persons ought to be appointed by and accountable to the legislature only . . . he wished the number not fixed, but that the legislature should be at liberty to appoint one or more as experience might dictate.

Had this theory of executive-legislative relation prevailed, the executive would surely have been in danger of sinking into insignificance.³²

Even if the Virginia provision for choosing the Executive had been decided upon without the other features of the Sherman theory, the federal government would have been basically different from what it is.³³ Several scholars believe that parliamentary government would have developed in America, with the President becoming a rather impotent figure like the British king. However, the possibilities of such a development are intimately connected with the question of whether or not members of the Legislature are allowed to become officers in the executive branch, a subject to be reserved for later discussion.³⁴

But an intriguing question is why was this provision for choice of the Executive ever made in the first place and why was it so readily accepted time and time again by the Convention in which "the dominant element . . . was deeply concerned lest the popular organ, the Congress, would play the tyrant."³⁵

against joining judges to the Council, prefaced his remarks thus: "All agreed that a check on the legislature is necessary" (*ibid.*, p. 555).

³¹ Farrand, *Records*, I, p. 65.

³² Corwin says that had "this conception prevailed, the Convention would have anticipated the collegiate executive of the present Swiss Federation" (*The President*, p. 11).

³³ See Binkley, *President and Congress*, p. 16; also p. 17 where the Beards are quoted to the same effect. But Professor Corwin says it is "extremely unlikely" that the "Cabinet system" would have developed. As obstacles to such a development he sees the fact of two houses elected for different terms and the fact that the President lacks the power of dissolution (*The President*, p. 15).

³⁴ "The possession by ministers of seats in the legislature is, of course, of the essence of ministerial government" (Thach, *The Creation*, p. 95).

³⁵ Binkley, *op. cit.*, p. 21. The Convention voted in favor of the election by the

The answer to the initial question of why the provision was ever proposed at all is not too difficult to discover. First of all though the "dominant element" in the Convention distrusted the power of Legislatures and was intent on strengthening the Executive, there was a small but vocal group of extreme leftists like Roger Sherman. Moreover, even the "dominant element" was by no means as far to the right as Wilson, Gouverneur Morris, Jay, or Hamilton. Again, it must be recalled that the Convention met to amend not abrogate the Articles of Confederation, whose cardinal feature was complete fusion of executive and legislative powers in Congress. The Virginia Plan was a decided advance on this and represented what had been the only pronounced tendency towards separation of powers under the Articles, namely a personal separation. Finally, the Virginia Delegation was perhaps the strongest and best organized of all, and consequently came best prepared to present a concrete plan to the Convention; but the Virginia Delegates were not of the extreme pro-executive faction, Madison becoming a Wilsonian convert only later on in the meetings of the Convention.⁸⁶

The question of the persistent adherence to the plan throughout most of the period of the Convention requires a careful reading of the debates with an understanding of what was at stake for the various delegates.

In the first place it should be pointed out that the Virginia Plan did not settle definitely the point whether or not the Executive was to be plural or unitary, although Randolph, was strongly opposed to vesting executive power in one man. But strange as it may seem, the Wilsonian theory of a single head triumphed quite early and without very widespread or bitter opposition, the final vote on June 4 being 7 states against 4.⁸⁷

It is submitted that this early victory for the strong Executive might easily have been the cause for a near defeat of more significance by far. There was a widespread fear and distrust of

Legislature at least five times and were still committed to it up until the very end. Not until September 5 was the existing choice by electors settled on. See Prescott, *Drafting*, pp. 621-630.

⁸⁶ Yet, strangely enough, Virginia along with Pennsylvania became the backbone of the strong Executive movements. Thach, *The Creation*, p. 130. This was due to the influence of Madison and to the fact that in crucial moments even Mason, usually an opponent, lent his aid in an indirect way.

⁸⁷ Prescott, *Drafting*, pp. 546-547.

monarchy,³⁸ a fear that had deep historical roots, and when the Convention early decided upon the principle of unity in the Executive, these fears became more potent in polarizing the opposition. The image of a board of three, even with rather extensive and independent powers, would not excite extreme anxiety, but a single executive recalled the colonial governors and conjured up the spectre of another George III. It is reported that when James McHenry came into the convention hall on August 6 he observed Mercer, his fellow delegate from Maryland, making out a list of members in attendance with the word "for" or "against" opposite nearly every name. Those marked "for" he laughingly explained, favored a royal government.³⁹ Both McHenry and Luther Martin, the third delegate from Maryland, are said to have copied out this list. Such engendered fears hardened opposition to an Executive independent of the Legislature, and hence the first victory of the Wilson group really contributed to the longevity of the election proposal in the Virginia Plan.

However, fear of monarchy was only a lesser reason for the Convention's repeated acceptance of Randolph's original election proposal for the Executive. The main reason was the reluctance of the States, particularly the smaller states to accept any other plan that would reduce their control over or their participation in the new National Government then being created. To observe this motive operating in the Convention demands a study of the debates relative to the construction of the two Houses of the Legislature and to the apportionment of representation therein.⁴⁰

³⁸ "The majority of the Framers ardently desired to provide an executive power which should be capable of penetrating to the remotest parts of the Union. . . . At the same time most of them realized that it was absolutely indispensable that the Convention should avoid stirring up the widespread popular fear of monarchy" (Corwin, *The President*, p. 10).

³⁹ This interpretation is confirmed by remarks of some of the delegates soon after the vote for the single Executive. Butler of South Carolina on June 4 argued that he "had been in favor of a single executive magistrate; but could he have entertained an idea that a complete negative on the laws was to be given him, he certainly would have acted differently." Mason, who had expressed fear of the omnipotent Legislature, now asserted that "he never could agree to give up all rights to a single magistrate. If more than one had been fixed on, greater powers might have been entrusted to the executive. He hoped this attempt to give such powers would have its weight hereafter as an argument for increasing the number of the executive" (Prescott, *op. cit.*, pp. 600-602). Farrand, *The Framing*, p. 174.

⁴⁰ See Farrand, *The Framing*, pp. 164-172, for a brief account of how the small States finally accepted the electoral college method of election in place of choice by the Legislature when it was agreed that the Senate could amend money bills and that the House voting by States would elect the President in case no candidate received a majority.

This is beyond the scope of the survey of this paper which is concerned primarily with the question of how the Framers applied the principle of separation of powers when they were creating the office of the President.

Wilson's original amendment to the Randolph proposal was direct election by the people, a novel plan, indeed, presented with the admitted apprehension "that it might appear chimerical."⁴¹ So it appeared to the overwhelming number of delegates who crushed the proposal by a 9 to 1 vote,⁴² while the Virginia Plan scored an 8-2 victory.⁴³

When on July 19 the Convention discussed the question of tenure and re-eligibility, Madison argued: ⁴⁴

If it be a fundamental principle of free government that the legislative, executive and judiciary powers should be *separately* exercised, it is equally so that they be *independently* exercised. . . . It is essential, then, that the appointment of the Executive should either be drawn from some source or held by some tenure that will give him a free agency with regard to the legislature. It is not clear that an appointment in the first instance, even with an ineligibility afterwards, would not establish an improper connection between the two. . . . The substitution of electors . . . seemed on the whole to be liable to the fewest objections.

Gouverneur Morris stated even more forcefully his opposition to any plan of appointment that would leave the Executive dependent on the Legislature, and "of all possible modes of appointment, that by the Legislature is the worst."⁴⁵ The decision of the Convention to choose the Executive by an electoral college was a victory for the theory of Wilson that the executive branch should be responsible to the people and not to another branch of the government.

⁴¹ Prescott, *Drafting*, p. 557.

⁴² *Ibid.*, p. 564.

⁴³ But what is significant here is the reason given by Wilson. "He wished to derive not only both branches of the Legislature from the people without the intervention of the state legislatures, but the executive also, in order to make them as independent as possible of each other, as well as of the states" (*ibid.*, p. 558).

⁴⁴ *Ibid.*, p. 573. It is not clear how John Adams, a Whig highpriest, would have reacted to the arguments here advanced by Madison. His aristocratic tendencies would probably have inclined him to view Wilson's plan for a popular election of the Executive as indeed chimerical. On the other hand his devotion to the separation principle would certainly have forced him to protest the theory advanced by Sherman and also the Randolph proposal that would have left the Executive dependent on the Legislature. See note 81 *infra* for Adams' indirect influence on the Constitution.

⁴⁵ Farrand, *Reports*, II, 103-105.

The decision to exclude members of the Legislature from office in the Executive and the reciprocal exclusion of ministers of the Executive from seats in the law-making branch provoked debates which quite naturally involved the question of separation of powers.⁴⁶ However these debates do not indicate that the principle was applied in order to weaken the Executive by destroying his connections with the Legislature. As a matter of fact, the principle was used here because of the very practical desire of getting good executive officers, not merely officers who had won positions by courting the favor of their own particular body of government.⁴⁷ It was also aimed at ensuring the functional distribution of powers which had been so sadly lacking in the Articles of Confederation. On the State level this theory of personal separation was dictated by the need of guaranteeing that there would be some external check to the state Legislatures that had acted so cavalierly in stretching their constitutional powers.⁴⁸

Another fact worthy of note is that Wilson along with Gorham and King were in favor of allowing members of the Legislature to hold offices after their term as law-makers though not during their term.⁴⁹ And this tiny breach in the wall of separation was encouraged to strengthen the Executive, not to weaken it. Wilson argued the unreasonableness of disqualifying a competent choice for an executive branch merely because he had already served in another body of the government. Gorham, though he admitted that the door was open to possible corruption, apparently would favor the allowance of appointment of legislators to executive offices precisely because the use of such power in the Executive would strengthen his hand.⁵¹ As had been noted by a scholar of the Convention who has tried to interpret the somewhat perplexing remarks of Gorham and others like him, "they observed that it [executive patronage] secured executive leadership in Great

⁴⁶ "Nothing in the Constitution has done more to insure the separation of the Executive from Congress than the provision that no person holding any office under the United States shall be a member of either house during his continuance in office" (Binkley, *op. cit.*, p. 18).

⁴⁷ Thach, *op. cit.*, p. 97.

⁴⁸ *Ibid.*, p. 95.

⁴⁹ Farrand, *Reports*, I, 379-389.

⁵⁰ *Ibid.*, 379.

⁵¹ *Ibid.*, 381. Hamilton also favored allowing congressmen the opportunity of holding office and his reason was that this would strengthen the Executive. The vote in favor of the prohibition was very close, *ibid.*, pp. 376-377.

Britain; they knew it had done the same thing in New York; they hoped to secure the same results in the national government.⁵²

Madison's reason for exclusion was motivated not by a desire to limit the Executive but to restrain the legislators. If they themselves were eligible for offices of their own creation or eligible for the increased salaries voted by themselves, the door would surely be opened to unsavory action. "I am therefore of the opinion, that no office ought to be open to a member, which may be created or augmented while he is in the legislature."⁵³ But he was not in favor of forbidding the "allurements" of all executive offices from being held out to servants in the legislative body.⁵⁴

Mr. John Mercer of Maryland spoke out with surprising candor on the expediency of allowing the Executive this kind of influence over the legislature:⁵⁵

Governments can only be maintained by force or influence. The executive has not force, deprive him of influence by rendering the members of the legislature ineligible to Executive offices, and he becomes a mere phantom of authority.

Mr. G. Morris was likewise "against rendering the members of the Legislature ineligible to office. He was for rendering them eligible again after having vacated their Seats by accepting office."⁵⁶ Mr. Pinckney observed that "no State has rendered the members of the Legislature ineligible to officers. . . . It can not be supposed that the motion will be offensive to the people."⁵⁷

The above remarks by delegates most instrumental in formulating the executive clause clearly show that they did not apply the separation principle here in the "eligibility" discussion to weaken the Executive nor to promote "friction" between the Executive and the Legislature. Those of the strong-Executive school who favored exclusion did so to ensure functional dis-

⁵² Thach, *The Creation*, p. 97.

⁵³ Farrand, *Reports*, I, p. 380.

⁵⁴ *Ibid.*, 392.

⁵⁵ *Ibid.*, II, p. 284. Note that none of these men seem to have seen in their suggestions the possibility of creating a parliamentary system. See Binkley, *President*, p. 19.

⁵⁶ Farrand, *Reports*, II, 286.

⁵⁷ *Ibid.*, 287. It is not clear if Pickney favored allowing Congressmen this opportunity while they were members of the House or the Senate, though this seems more likely. He was a strong supporter of the New York type of Executive whose position was reinforced by the control of patronage. See Thach, *The Creation*, p. 97. See also pp. 110-111 where Thach argues that Pickney and Wilson modeled Article II on the New York Constitution.

tribution and to *avoid* that friction which had been consequent upon the fusion of powers under the Articles, while the proponents of eligibility thought this departure from the strict maxim of separation was justified as a means of adding needed strength to the Executive.

A few words should be appended on the work of the Maryland delegation in pounding the executive article into shape. A survey of the debates will reveal that their contribution here was not as consequential as was that of the "dominant element." As pointed out above, Mercer was at times quite caustic in his criticisms of the overweening powers of State legislatures. Whether or not this indicated a general distrust of legislative bodies and a proportionate fondness for puissant executives cannot be ascertained from the meager reports of the Convention debates. Once he spoke out strongly against allowing judges the power to declare laws void, asserting that the "laws ought to be well and cautiously made, and then to be uncontrollable."⁵⁸ On the other hand he twice expressed opposition to investing the Senate with other than legislative power.⁵⁷ "The Senate ought not to have the power of treaties. This power belonged to the executive department."⁶⁰ And his firm stand in favor of the eligibility of legislators for executive offices was admittedly dictated by a desire to enlarge the President's bargaining power with Congress.⁶¹

Daniel Carroll, Daniel of St. Thomas Jenifer, and James McHenry added scarcely more than a casual remark here and there to the momentous debates on the executive clause. However, McHenry lined up with Madison and proponents of a strengthened Executive when he cast his vote in favor of a proposal that would have required a three-fourths instead of a two-thirds vote to overrule the President's veto.⁶² In this action he was opposed by the rest of the Maryland delegation.

Luther Martin, Maryland's most vocal and combative delegate, was a mighty fortress for the states-righters against threatened encroachments by proponents of a strong national government. In his estimation the Convention was an Armageddon where the forces of centralization were pitted in fateful conflict against the

⁵⁸ *Debates . . . on the Adoption of the Federal Constitution . . .*, rev. ed., Jonathan Elliot, ed., 5 vol. (Philadelphia, 1861) V, 429.

⁵⁹ *Ibid.*, 408, 428.

⁶⁰ *Ibid.*, 428.

⁶¹ *Supra*, n. 55.

⁶² Farrand, *The Framing*, p. 184.

valiant guardians of home and hearth. The sophisticated debate over separation of powers and executive versus legislative supremacy was for Martin a mere skirmish subsidiary to the major battle. All his stout defenses and bold sallies on the Convention floor must be understood in this context.

Unlike many of his confreres he aimed no sharp thrusts at the State legislatures. He was the first to propose choice of the national Executive by electors picked by these legislatures,⁶³ and he asked that the representatives be elected in such manner as the State legislatures should direct.⁶⁴ The suppression of rebellions he would have left to the States.⁶⁵ When forced to yield on this point, he insisted that the State legislatures be empowered to request federal aid and not the governors, except during periods of recess.⁶⁶ He vehemently decried proposals to allow Congress a negative on State laws.⁶⁷ Finally he insisted that the finished Constitution be submitted to the State legislatures and not to conventions.⁶⁸

All the above-mentioned protestations were calculated to reduce the power of Congress to a minimum. But Martin displayed equal vigor in fighting those bent on exalting the horn of the Executive. With annoying persistence he introduced and reintroduced motions against the reelection of the President.⁶⁹ When Wilson suggested that the Executive choose the judges, he dissented and urged strenuously that the Senate be invested with this power.⁷⁰

The final product of the Convention won Martin's disapproval and in his report to the Maryland legislature he resolutely urged that "my country reject those chains which are forged for it."⁷¹ Among the multitudinous links in these chains he envisaged those provisions which would enable the President "when he pleases, to become king in name, as well as in substance."⁷²

It would be interesting and instructive to present in detail the debates over the substance of Executive power: the appointment power, the external powers of war and over foreign affairs, the domestic power of administration. The same question could very profitably be asked in this connection: how did the Framers apply

⁶³ *Debates*, ed. Elliot, V, p. 304.

⁶⁴ *Ibid.*, 223.

⁶⁵ *Ibid.*, 333.

⁶⁶ *Ibid.*, 497.

⁶⁷ *Ibid.*, 248, 321.

⁶⁸ *Ibid.*, 500.

⁶⁹ *Ibid.*, 334, 338, 359.

⁷⁰ *Ibid.*, 328.

⁷¹ *Ibid.*, I, 389.

⁷² *Ibid.*, 379.

the principle of separation? To undertake such a project would be to extend this present study beyond limits. However, a few general observations can be given on this question as they have been made by respected scholars of the Convention. First and foremost Professor Thach's summary conclusions deserve citing at some length. The noted scholar says: ⁷³

Executive influence on legislative measures is very generally spoken of as a modern development, entirely unforeseen by the framers of the Constitution, pictured as bound hand and foot by the doctrine of separation. And yet we see the idea of executive preparation and report of plans of legislation was very much alive. The lessons concerning the incompetence of a legislative body to legislate were not forgotten, nor was the doctrine of separation so far a master word as to negate their influence.

Thach admits that the maxim of Montesquieu "conditioned political" thought—and the admission is inevitable when one reads the debates of the Convention. However, the dogma of separation was not the determining influence. "Indeed, the doctrine of separation fared far harder at the hands of the Convention than one would suppose from the continual appeals made to it." ⁷⁴ Thach agrees with W. F. Willoughby "that there are few governments which are characterized by a greater degree of functional overlapping."

Professor Wright perhaps goes too far in denying the influence of Montesquieu and the other theorists on the Convention delegates, but he does underscore the general conclusions of Thach and Willoughby. Wright asserts that the classic expositions on the principle of separation written by Hamilton and Madison were evoked only as an afterthought to quiet the fears of opponents who complained that the Constitution had alarmingly blended the powers. ⁷⁵

⁷³ Thach, *The Creation*, p. 124.

⁷⁴ *Ibid.*, p. 169. But Professor Hastings asserts that the Constitution would have been entirely different but for Montesquieu. See William Hastings, "Montesquieu" and Anglo-American Institutions" (*Illinois Law Rev.* XIII, [December, 1918], 419-430).

⁷⁵ B. F. Wright, "The Origins of the Separation of Powers in America." *Economica* XIII (May, 1933), pp. 169-185. In contrast to Wright, Professor Carpenter calls the writings of Montesquieu "The political gospel" for the men of the Convention. See "The Separation of Powers," pp. 32-44. Madison understood that the Constitution by implication embodied the separation of powers. In the debates in the 1st Congress on the Removal Power, he extolled the principle of separation, but justified a partial blending "in order to admit a partial qualification in order to guard against an entire consolidation." (*The Debates and Proceedings in the Congress of the United States* . . . 42 vol. [Washington, 1834-56],

Perhaps Thach is closer to the truth when he observes that the Framers used the political philosophers to draw arguments rather than specific conclusions.⁷⁶ And, as has been pointed out in this paper, the arguments were drawn to enhance the Executive. "When an argument was concerned with the participation of the Senate in executive functions, the appeal was made to separation; when it was the question of the veto, the doctrine of checks was put forward."⁷⁷

In other words, the doctrine of separation was very consciously employed at the Convention, even though the theorists were not given credit nor the dogma often spelled out in so many words.⁷⁸ It had, indeed, "conditioned political thought." But what is not often noted is the partisan roles it was made to play. Professor Thach must again be called in for another astute observation. After noting that through the writings of Montesquieu and Blackstone men had thought of government as a conflict of opposing interests rather than as a matter of cooperation, he says: ⁷⁹

From the nature of things, however, this meant, when applied to the American system, chiefly that a strong national executive was needed to counterbalance legislative predominance. . . .

. . . The chief problem of distribution of functions and organization of government was to get a sufficiently strong executive.

To complete this picture one should follow the delegates as they undertook in the First Congress to implement the rather vague provisions of the executive clause of the Constitution. The debates over the establishment of the great departments and over the power of removal confirm, it is submitted, what has been the thesis of this paper.⁸⁰ That thesis, to repeat again, is that the principle of the separation of powers was not used by the Framers—when they discussed Article II—as a means of promoting

I, 517 [Annals of Congress]). This veto is "an auxiliary precaution in favor of the maxim" of separation. See note 28, *supra*.

⁷⁶ Thach, *The Creation*, p. 171.

⁷⁷ *Ibid.* Another author calls Montesquieu a real inspiration for the Founding Fathers, though he agrees with Thach that the separation principle was invoked to check the populace. See Reginald Parker, "Judiciary and Executive Branch of Government," *The Jurist* IX (April, 1949), 205-235.

⁷⁸ The Constitution does not enunciate the separation principle explicitly in contrast to the state constitution of Massachusetts although the latter document strongly influenced the Founding Fathers, *The Creation*, p. 169.

⁷⁹ *Ibid.*, pp. 170-171.

⁸⁰ See, for instance, the remarks of Madison relative to the separation principle and the power of removal. *Annals of Congress*, I, 517.

friction and inefficiency so as to limit the restraints of government but on the contrary it was used to make the Executive independent of the Legislature and thus to increase his strength and efficiency.

To recapitulate the main points in establishing this thesis: History shows that most of the colonists had a congenital dislike for governors and conversely a fondness for their assemblies. The Continental Congress, the Articles of Confederation, and practically all the State constitutions were predicated on this distrust of executive power and on an unbounding confidence in legislative omnipotence.⁸¹ But the experiences of the period from 1777-1787 had caused the most profound disillusionment, and hence the "dominant element" came to the Convention of 1787 determined to establish an Executive that would be a check on the Legislature. That this was the prevailing mood of the delegates seems clear from the early and easy victory of the Wilson faction in its efforts to establish a unitary instead of a plural Executive.

The question of the separation of powers was not raised until other subjects were discussed. For those still reluctant to enhance the Executive too much, the principle was utilized to oppose the veto power. But the proponents of a strong executive became latitudinarians and either saw no breach of the principle or, like Madison, argued that the veto was really an auxiliary support of the maxim.

However, when the prolonged debates began on the method for choosing the Executive, these strong-Executive delegates became rigorists in applying the principle. In spite of repeated setbacks, the Wilson-Morris-Madison-Hamilton school triumphed in their persistent determination to assure independence for the Executive relative to his election. They defeated the Randolph-Virginia proposal for election by the Legislature, establishing the electoral college in its place.

The clause excluding Legislators from holding any offices in the Executive branch was adopted only after long discussions which are very informative as to the use made by the separation principle on the part of the strong-Executive members of the Convention. A strict application of the maxim would seem to

⁸¹ The New York constitution and to a less extent that of Massachusetts are exceptions. Both of these were helpful as models for the National Constitution. John Adams credits himself with furnishing the basic principles for all three through a series of eight articles he wrote around 1775 for the *Boston Gazette*. See his *Life and Works*. C. F. Adams, ed., 10 vol. (Boston, 1856), II, 317.

forbid absolutely any such mingling, yet here again many delegates would have countenanced a relaxation of the principle for the sake of enlarging the potential of the Executive. This was the expedient position of Gorham and Hamilton. Wilson was against such blending and here he applied the principle of separation strictly because of his concern over the need for personal separation in the departments, something so evidently lacking under the Articles.

The conclusion, then, seems justified that the Framers were not theorists, applying the principle of separation without concern for the real problem before them. This problem, clear from ten years of experience, was how to establish an energetic, strong, independent, and efficient Executive who would be able to act vigorously. Undoubtedly this was the great objective of the group ultimately responsible for the Executive clause. At least for this element in the Convention, the goal was not government by friction between the organs. Brandeis and Frankfurter notwithstanding, the Founding Fathers were promoters of efficiency not of friction, and the separation principle was one of the devices utilized to realize their end.

TWO JACKSON SUPPORTERS:

ROGER BROOKE TANEY

AND

WILLIAM MURDOCK BEALL OF FREDERICK

By ALEXANDRA LEE LEVIN

IN May of 1827, in Baltimore, a group of Jackson men, chief among them Roger Brooke Taney, Esq., called together a convention to plan for the 1828 election and to stir up interest in their candidate's career. The tall, gaunt Taney, remarkable for his pronounced stoop, had early become a supporter of Andrew Jackson, the people's man, despite the fact that he, Taney, had been born into an aristocratic landed family. This spring of 1827 the successful attorney had written to his good friend, William Murdock Beall, cashier of the Farmers' Bank of Frederick Town, Maryland, urging him to attend the meeting in Baltimore. Banker Beall caught the jolting stagecoach which, with much fanfare and horn-blowing, left Frederick at seven in the morning, arriving in the metropolis at nine at night. The assemblage of politicians convened on May 21st at the Baltimore Athenaeum, with Mr. Taney presiding. General Thomas M. Forman, a leading Democrat from Maryland's Eastern Shore, was named president of the convention; Mr. Beall was chosen its secretary. A local poet tossed off a few lines to Mr. Beall:

The good Sir William, to his country true,
A faithful friend, who jealous for his state,
In freedom's cause leads warm and bold debate.

In the autumn of 1832 Andrew Jackson, again a victor at the polls, approached his second term with the resolute determination to finish off Mr. Nicholas Biddle of Philadelphia and his Second Bank of the United States. Although the Bank had been well managed since 1819, it had never achieved any degree of popularity in the West. President Jackson, the backwoods hero, eyed

it and its patrician head, Nicholas Biddle, with instinctive distrust. In his resolve to best the "hydra," the Bank, the President was ably aided and abetted by his astute Attorney General, Roger B. Taney.

The summer of 1832 had been a busy and wearying one for Taney. Mr. Biddle had come to Washington in May to marshal his forces there against Jackson and his anti-Bank cohorts. By dint of great activity, Biddle had greatly influenced the passage of Henry Clay's Bill for the re-chartering of the Bank, which took place on July 3, 1832. To Attorney General Taney fell the difficult task of helping the President prepare his message of veto. Three busy days were spent at the White House by Taney while he readied the message. On July 10th it was sent to the Senate. In his message the President made it clear that he considered the Bill both an unconstitutional invasion of state rights and that it was a continued and unwarranted monopoly. The great Democrat from Tennessee could brook no special privilege for the few: the "prostitution of our Government to the advancement of the few at the expense of the many."

Shortly after the message was delivered, Congress adjourned, and Taney, weary from his labors and the uncomfortable weather of Washington wrote to his friend Beall: "I suffer so much from exposure to a hot sun."¹ He took his frail wife, Anne, sister to Francis Scott Key, for a much needed rest in a house he had rented on Pipe Creek in Frederick County. From there he wrote to Beall:²

I am glad to tell you that Mrs. Taney bore her ride very well and I hope a few days here will recruit her strength. You will I hope find time to pay us a visit here. I need not tell you how much pleasure it would give me.

The Bank War raged on unabated. The adversaries were well matched. Biddle refused to admit defeat. Jackson elected to transfer the United States deposits in Mr. Biddle's Bank to selected, "pet" state banks. When Mr. Duane, the Secretary of the Treasury, refused to sign an order discontinuing deposits, the President promptly removed him and put Taney in his place. Mr. Biddle counter-attacked by turning the already tight screws of credit even tighter, and the economy of the whole country winced. "Jackson money," scrip put out by hard-pressed com-

¹ M. Beall from R. B. Taney, Sept. 2, 1829. The Beall letters are in the author's possession.

² M. Beall from R. B. Taney, July 28, 1832.

munities, began to appear, and many businesses were pushed to the wall.

In Frederick Town, Maryland, Mr. William Murdock Beall, still a staunch Jackson supporter, received the following communication from his son-in-law, John Knight, a merchant of Natchez, Mississippi:³

Times are extremely hard; money scarce beyond endurance. If your friend General Jackson perseveres in his past and present course towards the U. S. Bank, I tremble for the consequences to us all. My spring payments are heavy and the present prospects of collection are gloomy. Cotton is very low, and our banks will discount scarcely a dollar for any person. The rich and the poor are all alike pressed for means to meet their immediate engagements. . . . We all unite in *blessing* General Jackson for the unparalleled distress his folly and malice have brought on the country. I have heard many good Christians earnestly pray that the *good* old man might be speedily taken to a better country. I believe he has done by his most iniquitous course in a few short months ten thousand times more injury to this country than he could atone for through all eternity in the constant practice of virtuous actions. We should all here hail his death with patriotic joy. Still, I am sure, that in the South where the staple of the country, cotton, always commands cash at some price, we shall feel the blighting effects of his mad measures less than you will and do at the North. Nearly all his former insane partners have been brought to their senses by his late acts. Jackson men are as scarce here now as hen teeth.

Despite the tide of popularity running so strongly in reverse against him in many quarters, the President was gratified when, in March of 1834, the House by a vote of 117 to 105 backed up the stubborn old fighter. By way of retaliation the Senate Bank forces rallied their supporters, and when Jackson presented the name of Roger B. Taney for confirmation as Secretary of the Treasury, his nomination was rejected.

Relieved of public office, Taney retired to his private affairs, resuming his practice of law. His friends, however, wished to do him honor. In Baltimore he was tendered a testimonial dinner, while the residents of the small town of Frederick, Taney's former home, planned a grand reception for him. His old friend, William Murdock Beall, along with others, arranged a welcoming committee. The day before the reception took place, Taney left Washington for Frederick, accompanied by his brother-in-law, Francis Scott Key. They were to spend the night some nine miles

³ M. Beall from John Knight, June 16, 1834.

outside of Frederick, at Beallview, the country home of old Mr. Elisha Beall, father of William. Before he left the capital, Taney wrote to Beall:⁴

Washington August 1st 1834

My Dear Sir:

One of my servants being about to go to Frederick, I have only a moment before the stage goes off to say that I received your letter. I will be at your father's on Tuesday night—I hope you will meet me there. F. S. Key will be with me. I will write to you more fully by the next mail. The arrangement you propose is perfectly agreeable to me.

Very truly your friend

As planned, Taney and his brother-in-law spent a comfortable night at Beallview, and the ensuing day an escort of over one hundred persons, mounted on horseback, turned out to meet the distinguished former resident of the town.

Two years after this reception, Mr. William Murdock Beall found himself following national events with even more than his usual interest, for the President had sent the name of Roger B. Taney to the Senate for confirmation as Chief Justice of the Supreme Court, to succeed the late John Marshall. Despite much acrimonious controversy in that august body, Taney's nomination was confirmed. In Frederick, Mr. Beall hurriedly wrote a congratulatory letter to his friend, to which the new Chief Justice promptly replied:⁵

Baltimore March 23, 1836

My dear Sir:

I returned from Annapolis on Saturday evening where the news of my confirmation by the Senate prevented me from delivering a speech at the Bar of the House of Delegates, which if the discussion could have been brought on earlier, I should have been glad to have made and to have presented to my friends and to my countrymen generally as my last effort at the Bar.

Upon my return I received your kind letter, together with many from other friends. But until today I have been unavoidably occupied by the calls of friends and the calls of business, preparatory to my entrance upon the duties of my judicial station. And I propose to devote today to the pleasant duty of returning acknowledgements to the friends who have been good enough to shew their interest for me by letters of congratulation on my recent appointment.

And although as I have said, I have many to answer from friends in

⁴ M. Beall from R. B. Taney, Aug. 1, 1834.

⁵ Wm. M. Beall from R. B. Taney, March 23, 1836.

different quarters of the Union, I must begin with you, my dear sir, as my oldest, my true and constant friend—whom in every conflict (and I have had my share of them) I have still found by my side cheering me on with your approbation and support—and that too, not the cold support of mere conservative defense, but a manly and public and active support, staking yourself with me in every crisis, and in the most trying and doubtful seasons with inflexible firmness. I may say this now with less hesitation because I cannot be suspected of courting favour to procure support. For my political battles are over, and I must devote myself to the calm and high duties of the station with which I am honored. But upon looking to my political life, which I find has been a long one, although until recently it was confined to a narrow sphere, I cherish with unmixed pleasure my association with you, and the many and strong proofs of regard and confidence which I have have received at your hands. Be assured, my dear sir, I shall never forget them.

The Office I have received I prefer to any in the Government, and is the only one I ever felt any ambition to obtain. I would not have accepted a nomination for the Vice-Presidency, and my friends who spoke to me on that subject were distinctly so informed. My large family and slender pecuniary means put that office out of the question. Besides it has nothing in itself to make it an object of ambition, unless it be regarded as a step towards the highest office in the government. And if I could have hoped to be thought of for that, I shall, when Mr. Van Buren's eight years expire, be at that time of life when repose and quiet will be far more agreeable than the constant turmoil of active political contention. The one I have received is the one I most desired as an object of honest ambition, and I trust I shall so discharge its duties as to give my friends no cause to regret the support they have given me. And with best wishes to Mrs. Beall and your family

A year following Taney's elevation to the Supreme Bench, his weary chief, Andrew Jackson, was on his way home to the Hermitage for good. Two stormy terms in office were behind the Old Warrior, and he was more than ready to hand over the reins to his successor, genial Martin Van Buren. Leaving behind him a lovely southern magnolia which he had planted near the south portico of the White House, "something green in memory of Rachel,"⁶ he had said—Rachel, his beloved wife who lay buried in Tennessee, the tired old man turned his face homeward. A serious illness the previous November had confined him almost continuously during that winter to the top floor of the White House, and the strain of attending Mr. Van Buren's inauguration in the capricious March weather had worried his friends and his

⁶ William A. Dayton and Walter A. Weber, *National Geographic Magazine*, CXII (October, 1957).

physician. The ceremony over, it was with some apprehension for his health that they saw the silvery-maned General board the steam cars of the Baltimore & Ohio which would convey him to the western terminus of the railroad at Ellicott's Mills. From there he would coach along the National Pike to Wheeling, whence an Ohio River steamboat would point him towards Nashville.

General Jackson and his entourage planned to stop at Frederick, and for a picture of his visit there we are indebted to a letter written by Martha Beall, the sprightly seventeen-year-old daughter of William Murdock Beall, to her married sister, Mrs. John Knight, who lived in Natchez, Mississippi:

Frederick Town March 1837

My dear sister:

We have written a number of letters to the south and west to be sent by Mr. George Schley and the Hon. W. C. Johnson, but were disappointed in both, the former having declined going until spring, (the latter was wounded very severely in an affray of honour with Mr. Wm. Schley, who was also wounded but not seriously). Our Town has been very lively this winter, the officers making this their place of rendezvous. The balls and parties that were given amounted to 20. Miss Bullet and Virginia Balch were the reigning belles.

Ex-President Jackson honoured our city by passing through. The day he was expected in Frederick, Dr. Wm. Tyler, Judge Shriver and Papa were appointed to meet him. A splendid coach and 4 with the same number of postilions was to be drawn through the city, which reminded me of the victors Rollin speaks of in Rome, when they were led in triumph through the metropolis. Our military company turned out, it being a fine day. A great many strangers were here, principally from the country to see the grand procession that was expected to take place. But alas! we were disappointed. He went around by way of Baltimore and did not arrive here until the day after, which was inclement with a drizzling rain the whole day, but cleared up at 7 o'clock.

Papa went down immediately and when he returned he told me to get myself ready to visit the General. Mr. Taney accompanied the General to Frederick and brought with him Cornelius.⁷ Mr. Taney requested

⁷ Reference to "Cornelius" in Carl Brent Swisher, *Roger B. Taney* (New York, 1936), pp. 158-9.

"Cornelius, the slave of a Major Hughes, had been permitted by his master to earn small sums of money toward the purchase of his freedom, and to educate himself above the level of most slaves, so that he was able to write letters. Taney in some way became interested in the boy, and discussed with his friend, William M. Beall, of Frederick, the possibility of buying the boy and setting him free as soon as he was able to earn the remaining amount necessary to cover the purchase price. 'Major Hughes it seems,' Taney wrote to Beall, 'is willing to let Cornelius go for \$450, and he has but a hundred and fifty of his own. Cornelius is a good boy and I am willing to aid him, and therefore send a check payable to your order.'

Papa to take me down to see the General but I would not go without Mama. We therefore went and were introduced to the General, Mr. Taney, and Miss Lovel who were in the room. We had just taken our seats when Mrs. Jackson⁸ entered the room. She was very handsome and affable, about the size of Mrs. Henry Johns. I was astonished to see the General look so well; his being very erect was the cause of it. Mama remarked to him how much better he looked. He replied that it was no wonder when the whole government was off his shoulders, and was gratified that a man [Van Buren] who had been a minister to the Court of St. James, and being rejected by the people, was afterwards made Vice-President, and then elevated to the office of President, confirmed by the Chief Justice of the United States, and he then bowed to Mr. Taney. I asked him if he thought he would ever again visit this part of the world. He said that no one knows but the Almighty, that we must submit to His will in all things, and that if he were spared, peradventure he might. The people wanted Papa to ride in the coach with the General as far as Boonsboro and then return in it, but Papa declined.

I think I have said too much on this subject but thought that anything from Frederick, however trivial, would be interesting. I must now conclude by remaining your affectionate sister,

Martha Beall⁹

Three days after the triumphal Jackson delegation had left Frederick, Mr. Beall received a letter from the Chief Justice, concerning his sister, Miss Dolly Taney:¹⁰

Baltimore March 9, 1837

My Dear Sir:

An unexpected and melancholy event will compel me to visit Frederick again much sooner than I expected when I parted from you. On my return home I found that my eldest sister who has been for some time in infirm health, died this morning. It was her desire to be buried by the side of my mother, and I have to ask the favour of you to see the Rev. Mr. McElroy or in his absence the Rev. Mr. Young, and request them to have a grave prepared by my mother's side and to meet me at the depot on Saturday. Will you all have the goodness to have the hearse then ready? I propose to come up with the cars on Saturday and to return the next day, as I find my younger children are sick with the whooping cough and I am unwilling to be long absent from home.

I make no apology—because I am sure none is necessary—for taxing

The purchase was made, and Taney not only made the boy a free person in effect from the beginning, but looked after him from that time on almost as if he were a member of the family."

⁸ Reference to Mrs. Jackson: Sarah Yorke Jackson, a Philadelphia girl, had married in 1831 Andrew Jackson Jr., the adopted son of the General and nephew of his wife, Rachel.

⁹ Frances Beall Knight from Martha Beall, March 1837, owned by author.

¹⁰ Wm. M. Beall from R. B. Taney, March 9, 1837, Md. Hist. Soc.

your friendship on this sad occasion. If my Uncle J. Taney is in Frederick please let him know, and ask him to meet me at the depot.

Most truly your friend,

R. B. Taney

Young Martha Beall relayed the news of this sad event, also, to her sister, Mrs. John Knight:¹¹

He [Mr. Taney] requested Papa in the letter to be so kind as to meet the corps [*sic*] at the cars. Papa, Mamma, Cousin Martha Hanna and myself went down to the depot to meet the cars and walk up with them. None of the family came up but Mr. Taney and Mr. Campbell, his son-in-law. A hack was there for any that wished to get in. There being no ladies there but our family, Mr. Taney wished us to get in; but here came Mr. and Mrs. Hughes. The latter was the only lady walking, so Papa begged her to get in and me to get out; but she refused thinking she might meet with some other females. So I with my *pink satin bonnet* was one of the chief mourners! Mr. Taney told Papa that he intended paying us a visit before church time, it being Sabbath morning, but he was obliged to leave here for Baltimore in the cars at 10 o'clock, his three youngest children being ill with the whooping cough. Mr. Taney mentioned having seen you and sister Mary in Baltimore.

Another funeral procession soon followed that of Miss Dolly Taney, for William Beall's father, Elisha, in his ninety-third year, succumbed from the effects of attending the grand concourse in Frederick in honor of ex-President Jackson. The feeble old man, who had served throughout the Revolutionary War as First Lieutenant in the Maryland Line, Flying Camp, had come into town from Beallview for the event. The inclement weather, however, had proved too much for the aged gentleman, and he was put to bed with a fatal chill. *The Frederick Herald*, after eulogizing his life and works, ended its account with a fragment of a poem:

Sure the last end
of the good man is here. How calm his exit.
Night dews fall not more gently to the ground,
Nor weary, worn-out winds expire so soft.

Then again quiet returned to the small town of Frederick.

¹¹ Letter to Frances Beall Knight from Martha Beall, March 1837, owned by author.

Martha Beall later married Samuel Hunt of Frederick, and moved with him to Baltimore, where Mr. Hunt opened a thriving leather-goods business on Baltimore Street. Mr. Hunt was an official of the Temperance Union, and a mainstay of the Hunt Church in Riderwood. His portrait is now in the Vestry Room.

General Jackson lived eight years longer, in ill health to be sure. William Murdock Beall survived the Hero of New Orleans by two years, while Roger Brooke Taney lived until 1864, long enough to see his famous and controversial Dred Scott Decision become one of the strong pressures that threw the country into the turmoil of civil war. A contemporary of the Chief Justice, John H. B. Latrobe, wrote of his appearance:¹²

When Mr. Taney rose to speak, you saw a tall, square shouldered man, flat breasted to a degree to be remarked upon, with a stoop that made his shoulders even more prominent, a face without one good feature, a mouth unusually large, in which were discolored and irregular teeth . . . dressed always in black, his clothes sitting ill upon him, his hands spare with projecting veins . . . in a word, a gaunt, ungainly man. His voice too, was hollow, as the voice of one who was consumptive. And yet, when he began to speak you never thought of his personal appearance, so clear, so simple, so admirably arranged, were his low-voiced words . . . There was an air of so much sincerity in all he said it was next to impossible to believe he could do wrong. Not a redundant syllable, not a phrase repeated. . . .

¹² Raphael Semmes, *Baltimore As Seen By Visitors* (Baltimore, 1953).

SIDELIGHTS

THE CONDUCT OF BUSINESS IN BALTIMORE, 1783-1785:
as seen in the Letterbook of Johnson, Johonnot, and Co.

By RHODA M. DORSEY

On December 23, 1783, the *Maryland Journal* carried the following advertisement:

HENRY JOHNSON


has opened a STORE under the firm of

JOHNSON, JOHONNOT, AND CO.

The lowest store on Mr. Jesse Hollingsworth's Wharf,
where they have for sale,

CORDAGE, SMALL CABLES FOR VESSELS OF

40 or 50 tons; Madeira, Teneriffe, Lisbon & Calcavella WINES; London Porter, in Casks; Bohea Tea, per Chest; West-India Rum; New England Rum, in Barrels & Tierces; Liver-oil; Mackerel; pickled Cod; pickled Salmon; cheese; half-bushels; Cedar Buckets; Iron-Ware; Tea-Kettles; Skillets &c and a Number of other Articles.—CASH OR COUNTRY PRODUCE will be taken for those Articles.—

 Whiteoak Hogshead and Barrel Staves and Heading are WANTED —Also Two handsome Figure-Heads for small Vessels completely painted & decorated.

This was the first public announcement of the opening of the Baltimore branch of the Boston firm of Johnson, Johonnot, and Co. The three members of this firm, Henry Johnson and Francis and George Johonnot, were probably half-brothers and the third generation of a Huguenot family of merchants and distillers.¹ Previous experience at sea and in trade made Henry Johnson, the eldest brother, familiarly referred to as "The Captain," the leading spirit in the firm. His half-brother Francis Johonnot, then aged 29, was an expert distiller, and seems to have assumed responsibility for running the family distillery in Boston after the death of his father in 1775. George Johonnot, aged 27, was the junior member

¹ This paragraph is based on material found in *The New England Historical and Genealogical Register*, VII (Boston, 1853), 141-44 and in the Johnson Johonnot Letterbook in the Md. Hist. Soc., hereafter cited as JJLB.

Mr. John Bromfield

Baltimore March 3^d 1784

Sir

We should have been more punctual in ours to you, had we had any subject to write on. We have been froze up ever since the 8th Jan^y; and like to continue. We have had no sale for any kind of goods. ^{any} We have sold but for 6 Tuns of Rum all the Winter. Not a barrel of our own has been sold, as the people about the Town, which is the only place for consumption of that article, will not buy the barrels — As soon as ever our Trade is once more revived, you may depend on our punctuality. Not only in writing but in giving you regular prices. ~~Current, shall be strictly attended~~ for your Government — We are with Sentiments of Esteem

Your Most Obedt^l Servts
Johnson, Johonnot & Co.

Mr. Benj^d Seppon

Balt^d March 3^d 1784

Sir

Capt^d Nath^l Freeman in Decem^r: last left some Keys of Salmon in our hands for your Auctⁿ. We have nearly disposed of them. When the sales are finished we shall forward you the Auctⁿ. in the mean time beg to know whether you wish us to ship you the proceeds in Town. we cannot take upon ourselves to do without your orders as Capt^d Freeman did not mention to us, what was to be done with the money. — We also make you a tender of our services, in what ^{for the Trans-action of any} Business at any time you may wish to have done here. Always assuring you that our utmost endeavors will be to promote your Interest. — We are with Sentiments of Esteem. —

Your Most Obedt^l Servts
Johnson, Johonnot & Co.

Balt^d March 3^d 1784

of the firm in experience and capital investment. He had some business experience and had undoubtedly helped at the distillery, for he had great interest in the distilling and "doctoring" of liquors, but he was described by Henry as a "timid young man."² All three were bachelors.

In 1953 the Maryland Historical Society acquired a letterbook of the Baltimore branch of Johnson, Johonnot, and Co. It contains the outgoing correspondence of Henry Johnson from November, 1783 to May, 1784 and of George Johonnot, his successor, from May, 1784 to February, 1785. Although it is possible from these records to reconstruct the case history of a New England commission house venturing into the Baltimore market in this period, the present discussion has used the letterbook as raw material for general economic and social rather than specific business history. Through the correspondence of these transplanted New Englanders run scattered comments that indicate much about certain facets of Baltimore life and development after the Revolution.

The precise reasons for the establishment of a Baltimore branch of Johnson, Johonnot, and Co. are not known from the firm's correspondence, but it may be assumed that, like many New Englanders, Johnson and the Johonnots hoped to profit from the exodus of British traders after the war and take over a larger share of the carriage of Southern goods. Fastgrowing Baltimore looked inviting for many reasons. In February, 1784, Henry Johnson told a Portsmouth correspondent that the people of Baltimore "... have very few vessels of their own. Chief of their Trade is carried on by strangers."³ He had earlier claimed, in writing to Boston, that "The people of this country had rather freight in the vessels of New England than any others as they know the[y] will despatch there buseness immediatly."⁴ Whether this was true or not,⁵ Baltimore offered more than freight.

Only one advantage attends the importation of that Article [wheat] from here beyond Virginia, which is, that there are exports from your Country which will answer here by fetching an advanced price, ... Virginia is not sufficiently populous to render exportation to any one port from you an object worth attention—there is one thing worth notice of every owner of a Vessel Trading to the Southward that the worm in the summer season is very destructive to ships in Virginia While we are wholly free from them here.⁶

To Johnson, Johonnot, and Co. Baltimore not only presented opportunities; it also held business friends who were able to give the new firm advice and financial backing when needed. Chief among these friends in Baltimore were Mark Pringle of the established firm of Ridley and Pringle and David Stewart of Stewart and Plunket. In Philadelphia, closely linked to Baltimore by bonds of trade, superior credit facilities and

² Henry Johnson to Hewes and Anthony, April 24, 1784, JJLB.

³ Henry Johnson to Noah Parker, February 21, 1784, JJLB.

⁴ Henry Johnson to Henry Newman, January 14, 1784, JJLB.

⁵ The correspondence of Christopher Champlin of Newport throws some doubt on this statement. *The Commerce of Rhode Island*, Collections of the Massachusetts Historical Society, 7th series, X (Boston, 1915), 179, 210.

⁶ George Johonnot to Hodijah Bayles, August 16, 1784, JJLB.

generally more advanced economic development,⁷ was the house of Hewes and Anthony to whom Henry and George wrote often, "... being but young beginners & you experienc'd persons."⁸ The backing of such firms was of great importance considering the state of the Baltimore market subject, as will be seen below, to periodic gluts and a chronic scarcity of cash.

Henry Johnson and his half-brother Francis Jonhonnot came to Baltimore to make arrangements for setting up in business probably in the summer or fall of 1783. They purchased land for a distillery and procured space on Jesse Hollingsworth's wharf at Fells Point on which they began to construct a store about which they boasted,

... there is not a House in the commer'l line who have a store on a wharf except Purviance and us, therefore all them charge draggage. We charge rolling into the store which does not amot to half that—⁹

In November, Francis left for Boston to look after the distillery there and Henry continued alone in Baltimore. Where Henry lived in this period is not revealed in the letterbook, although his lodgings were simple. Intent on his work, he apparently cared little for personal comfort, disdained the use of a feather bed and slept instead on "... his old cot slung in the house with his Mattress in it. . . ."¹⁰ George's arrival in March, 1784, brought some changes for he sent for comfortable furnishings, urged an elder sister to come from Boston to keep house for him, and went house hunting. He found nothing immediately suitable, but was not discouraged, since he reported in August that "... houses are dayly to be had & their Rents falling—... there are not less than 700 now building, erected this year—"¹¹

Johnson, Jonhonnot and Co. was established primarily as a New England commission house, to deal with goods sent from New England or in New England bottoms. Like commission merchants everywhere, the firm received cargoes and sold them; filled orders for all kinds of goods; freighted and loaded returning vessels; collected bills; and arranged insurance. The major business of receiving and discharging cargoes was performed at a fixed rate of 5% for receiving and 2½% for discharging. In Boston, 2½% each way was the normal rate, but Johnson, Jonhonnot justified the higher Baltimore rate by stating flatly that it was "... not equal your 2½ as our Rents and Living is so enormously high—"¹² Indeed their charges were not exorbitant since, "Many charge 5% ea: way, we 5 and soly 2½ returns. . . ."¹³

⁷ On the relationship between Baltimore and Philadelphia at this time, see James W. Livingood, *The Philadelphia-Baltimore Trade Rivalry, 1780-1860* (Harrisburg, 1947), Ch. I and Jane N. Garrett, "Philadelphia and Baltimore, 1790-1840: A Study of Intra-Regional Unity," *Md. Hist. Mag.*, LV (March, 1960), 1-13.

⁸ George Jonhonnot to Hewes and Anthony, July 8, 1784, JJLB.

⁹ George Jonhonnot to John Bromfield, August 18, 1784, JJLB.

¹⁰ Henry Johnson to Hewes and Anthony, April 24, 1784, JJLB.

¹¹ George Jonhonnot to Henry Johnson and Francis Jonhonnot, August 22, 1784, JJLB.

¹² George Jonhonnot to John Parker, December 1, 1784, JJLB.

¹³ George Jonhonnot to John Bromfield, August 18, 1784, JJLB.

There was further justification for the higher Baltimore rate in the fact that, due to the conditions of the market, the capital of the commission merchant was tied up for abnormally long periods. There were several reasons for this.

We know the Necessity of Dispatch & never are able to sell a whole Cargo before a Vessel must sail we therefore make a rough estimate of a Cargo & put on Board its Value whether sold or not. . . .¹⁴

Imported goods were, however, sold in Baltimore only on long credit, while the major export product, wheat, was sold only for cash.

There is so little Circulating Medium at this Market that Credit is general & expected by every purchaser of Imports while exports are always Cash in hand therefore were we to remit for every Consignment we receive & which is too generally expected we ought to possess such a Capital as would induce us to follow a much more profitable line of business—¹⁵

Moreover, the glut occasioned by the arrival of many boats in a small port frequently led commission merchants to hold imported goods until prices should rise or at least until the boats had departed, since

When these Vessells arrive the privileges of the people and Capt. are always Sold lower than the Merchts sell at which for a time Supplies the retailers & after the Vessells are gone we have then an opportunity of getting our own price.¹⁶

The projected distillery, while a traditional family business, was also regarded as a way of meeting some of these problems. It would use the West Indian goods which New Englanders could bring to exchange for wheat; it would supply the local market and thus bring more ready money to the firm.

The success of any commission firm depended on the reliability, energy, and number of its correspondents. It was to this point that Henry addressed himself after Francis' departure. The brothers had come from Boston with certain correspondents already engaged and were doing business for them in November and December. Of these, Daniel Sargent, John Bromfield, John Boies, and Stephen Higginson in Boston and Noah Parker in Portsmouth were the most important.

To increase the firm's connections Henry took the usual course of writing a number of soliciting letters to Europe, the West Indies, and parts of America, describing the firm and the opportunities presented by the Baltimore market. To a Bordeaux house Henry suggested that good claret, a little oil, capers and anchovies would sell in Baltimore.¹⁷ Writing to the West Indies, he suggested the possibility of evading the restrictions of that trade.

. . . Should your port be shut against the Americans, you then will have an opportunity of doing something Clever here under the French flag, as you will

¹⁴ George Johannot to John Boies, December 17, 1784, JJLB.

¹⁵ George Johannot to Jeremiah D. Stimson, January 21, 1785, JJLB.

¹⁶ George Johannot to Isaac Codman, August 10, 1784, JJLB.

¹⁷ Henry Johnson to Barton, Johnston and Co., Bordeaux, December 27, 1783, JJLB.

certainly have it in your power to supply the Continent with Molasses & Sugar on better terms than the Americans. . . .¹⁶

None of these letters brought the house any foreign business during the years covered by the letterbook; the bulk of their connections was on the continent, and particularly with New England.

Extending New England connections was by no means an easy task. Henry wrote more dutifully than optimistically to the major merchants of Boston, Beverly, Portsmouth, and Providence trading to the south. But he admitted to Thomas Halsey of Providence, "We cannot presume to solicit your Business as you have several Gentlemen here from your Town who we suppose you would prefer"¹⁹ and commented ruefully to his brother, "You cannot expect to wean those Salem people from Carey & co. it is a good house and rich."²¹

Among smaller, newer merchants the firm clearly had more chance of success. Henry therefore urged his brothers to make the firm known to the North End bakers in Boston, and he undertook to meet all the New England captains in Baltimore. Once he bribed a captain from Cape Cod who entered port unassigned to place his cargo with the firm, and he offered his services without charge and often without enthusiasm to captains whose ignorance was a sore temptation.

I shall give him some little assistance to endeavour to get ourselves established in the Eyes of these people—The said Captain is the damnest fool I ever saw—I have a great mind to milk him don't know but I shall—²¹

Once a connection had been established, the firm did all in its power to keep its clients with profitable transactions of their business and a constant stream of letters from Henry and then George. These dealt with specific business affairs and general economic conditions, but frequently carried additional counsel about cargoes, ships, or captains. George wrote a Boston firm about one of their captains,

while altho a married man, he was to frequently with lasses of easy virtue & neglected his duty . . . he stopt at Annapolis on his way out and with a fair wind to see a Doctor & get medicine after which he was so bad as to be unable to stand the Decke & we fear he has put in somewhere till he is cured.²²

To another firm he suggested a more profitable line of trade:

Great Voyages have been made in bringing Redemptioners & Servants from Ireland & Germany—We are credibly informed that the Ship Revolution belonging to Messrs Cabot of Beverly clear'd them 1300 Gu[inea]s from Ostend by bringing Servants.²³

Letters never failed to stress the diligent pursuit of the correspondent's interests, as when Henry Johnson declared to Daniel Sargent, "We shall

¹⁸ Henry Johnson to James Dimice, Cape Francois, November 8, 1783, JJLB.

¹⁹ Henry Johnson to Thomas Halsey, April 4, 1784, JJLB.

²⁰ Henry Johnson to Francis Jonhonnot, April 13, 1784, JJLB.

²¹ Henry Johnson to Francis Jonhonnot, March 16, 1784, JJLB.

²² George Jonhonnot to McLure and Boies, December 25, 1784, JJLB.

²³ George Jonhonnot to Searle and Tyler, December 9, 1784, JJLB.

turn Fishmongers & retail out by the Single fish that we may be able to obtain a living price." ²⁴ To preserve a connection once made goods were held long periods for a rise in price and small shipments sometimes reported sold when they were still on hand. Wary of competition from all quarters, the brothers reported to each other gossip about freights, commission "deals," ship ownership, and to their correspondents vigorously defended any aspersions on their business ability.

A person from Balte. has acquainted you that the people here are not punctual, it is true many are not so . . . but those who are can more readily & extensively obtain Credit it has ever been our endeavour to be so, we have the Credit of it & reap great advantage by it nor will we (if possible to avoid the contrary) sacrifice our reputation on any account however indifferent others may be about it & the man who told you it is an insinuating busybody who is using every art to gain business here at the expense of others & is wholly ignorant of it himself. . . . ²⁵

If all else failed against competition or complaint, a plea to provincial loyalty was tried:

Let us trade together like friends & countrymen & not throw our business into the hands of those whom N. Englandmen are to consider as foreigners. ²⁶

In addition to maintaining the correspondence, Henry had many other activities to occupy him in November and December. He handled the few cargoes that came in, supervised the completion of the store on Hollingsworth's wharf, and thought much about the future. He believed timber could always be imported to Baltimore with profit and considered buying a ship, even a "grey haired" one, to engage in the timber trade. He thought about stocking retail stores in Baltimore and Virginia. He spent long hours studying plans for the distillery and calculating the cheapest means of getting house and equipment made and installed. Until the distillery was erected he urged the desirability of gaining some income from a bakehouse, ". . . as we can carry Bread as Cheap to New England as they can bake it there, or Cheaper on Accot of the advantages of purchasing flour low, and we can send it in Bulk." ²⁷ By purchasing flour low, Henry meant exactly what he said, for he proposed that baking be done ". . . out of Flour that will not bear Inspection which is not perceptible in Bread." ²⁸

Throughout December Henry looked forward to the arrival of his younger half-brother George, especially since he wished his assistance in the store and in establishing connections in Virginia. Always business minded, he advised George to ". . . set off in a Clever Sley to get as far as he can on with it, as there are no such things here, or at least they are very scarce." ²⁹

²⁴ Henry Johnson to Daniel Sargent, January 2, 1784, JJLB.

²⁵ George Johonnot to John Bromfield, September 4, 1784, JJLB.

²⁶ George Johonnot to John Bromfield, August 18, 1784, JJLB.

²⁷ Henry Johnson to Francis Johonnot, January 10, 1784, JJLB.

²⁸ Henry Johnson to Johnson, Johonnot, and Co., December 26, 1783, JJLB.

²⁹ Henry Johnson to Johnson, Johonnot, and Co., December 26, 1783, JJLB.

Before George and the sley arrived, however, the ice did. From January 8 to March 25, the harbor was frozen, business came to a halt and Henry, alone, had ample time to describe the situation and his reaction to it to his correspondents. Initially he took care to explain what the freezing of the harbor meant to Baltimore:

Our trade at present being chiefly with the Country round us here Consequently the demand for Goods is not so great, as our dependence is on our Eastern & Western Shore Trade by water that being finished on accot of the ice, making Business dull at present.³⁰

Trade is at present dull owing to our Trade by water being stopt *in Consequence of the Rivers being froze up*, which is our greatest support, our Trade by Land being trifling to the other.³¹

As February passed, he became concerned with the financial aspects of the freeze:

I have no news to communicate to you, except the scarcity of cash which is horrible—A Bank is on foot to be established here by May next—If that should take place I am in hopes we shall do better. It will give us nearly all the Bay Trade.³²

On the first of March between restlessness at the inactivity and sympathy for the suffering of those on the boats caught in the ice, he could still joke:

We have several Vessels in the Bay driftin about—The Bermudians have their Supply of Corn from Norfolk on Sleas from that they Transport it to Antigua on the same Vehicles—³³

But by March 8, he was out of patience and wrote to Francis,

I have to say you are a hell of a fellow for Swearing. Have not I wrote you every post that we are froze up, and no Business is doing here, in that Case how the Devil can I give you a price Current. I wish to God the Ice would go that we might have somebody to purchase then we should know what Goods are worth. Tell your correspondents that all the Business is done by Water at Balto. The Instant the harbour is froze up & Trade is totally stagnated.³⁴

With the market idle, Henry had time to write fuller observations about Baltimoreans (" . . . they are naturally indolent here")³⁵ and the Baltimore market:

People in general prefer the Claret in Bottles tho' the Cask maybe equally as good, as the Bottle—Bottles are very scarce here & very few know any thing of bottling off their own Liquors here.³⁶

Mackarel is not so material for this reason—the poorer of people eat the Mackarel and the Richer eat of the Cod which will not go down here without *Butter & Eggs*—the poor are not able to purchase these Articles.³⁷

³⁰ Henry Johnson to Daniel Sargent, January 2, 1784, JJLB.

³¹ Henry Johnson to Enoch Brown, January 6, 1784, JJLB.

³² Henry Johnson to Francis Jonhonnot, February 24, 1784, JJLB.

³³ Henry Johnson to Francis Jonhonnot, March 1, 1784, JJLB.

³⁴ Henry Johnson to Francis Jonhonnot, March 8, 1784, JJLB.

³⁵ Henry Johnson to Noah Parker, February 21, 1784, JJLB.

³⁶ Henry Johnson to Enoch Brown, January 6, 1784, JJLB.

³⁷ Henry Johnson to Howes and Downes, March 3, 1784, JJLB.

The bachelor captain was even reduced to thoughts of matrimony, writing to Francis, ". . . as you say those Infernal cold nights are rather too bad to lay alone." ³⁸

No one greeted the end of winter more gratefully than Henry and George who had arrived in mid March. On March 25 the ice broke and Henry reported,

Seventy Sail or Ships & smaller Vessels came up yesterday to Fell's Point, & part of them to the Basin. We broke thro' the Ice to get some of them up to the County Wharfe, it at present is 8 inches thick in the Basin. . . . ³⁹

With the opening of the harbor, a sloop that Henry had loaded in January finally got free, and he reported to his impatient brother, "As to the sloop, she is at length sailed. You should have asked God Almighty not me, how she came so long froze up." ⁴⁰

It soon became apparent, however, that the resumption of trade brought its own problems to the Baltimore commission merchant. The "seventy sail" and more landed their goods, glutted the market and made profitable sales out of the question. Loading with flour and bar iron, they soon stripped the town of these commodities at a time when bad roads made it difficult to get more from the country. As usual, money became scarcer and scarcer. Trying to sell cargoes from New England and the West Indies and load the ships consigned to them, Henry and George found themselves low on cash, low on flour, but high on rum and unpaid bills. Complaints began to fill their letters:

We have little to say except on the subject of the scarcity of moneys in this country. Not above half enough for the Trade & hardly that . . . that we are entirely stagnated as to Business. Very little is done except Vendues. Goods are sold for nothing. . . . ⁴¹

We find it impossible to collect Cash from the retailers after we have trusted them. . . . If we had not two or three freinds we should be obliged to hang ourselves. ⁴²

Faced with such problems, Henry and George stored their fish, molasses, and rum; ordered flour shipped from Philadelphia; cursed the general situation; and clung to the forlorn hope that at least these conditions would get rid of foreign merchants, for "Our Vendue's ruin the merchts but we think it is impossible for the European Adventurers to stand long among us at the Rate their goods are sold there." ⁴³

The troubles of the firm were heightened by the fact that many shipments from New England were of poor quality. Despite Henry's repeated urging that only good produce be sent to Baltimore, he received low grade fish; fish barrels packed with shad on either end and menhaden, an unpopular fish in Baltimore, in the middle; and such bad rum that he was led to remonstrate with their biggest correspondent:

³⁸ Henry Johnson to Francis Jonhonnott, March 1, 1784, JJLB.

³⁹ Henry Johnson to Stephen Higginson, March 25, 1784, JJLB.

⁴⁰ Henry Johnson to Francis Jonhonnott, March 25, 1784, JJLB.

⁴¹ Henry Johnson to Daniel Sargent, April 24, 1784, JJLB.

⁴² Henry Johnson to Francis Jonhonnott, April 27, 1784, JJLB.

⁴³ Henry Johnson to Hewes and Anthony, May 8, 1784, JJLB.

The West India rum you shipped with us is so weak that one drop more water added to it would make only comfort grog—I expect Every morning that I Come to the store to see it froze which makes the people turn up there noses. . . .⁴⁴

The experience of this first winter and spring in Baltimore was so sobering to Henry that in May he took time to write a lengthy review of the firm's commission business on the theme of "General Imports Don't Pay."

. . . the hops are on hand & will neither fetch here or at any other market near the cost, the hollow ware is almost all on hand owing to immense quantities of a superior quality from England, the Porter still in hand & an inevitable loss must ensue from its bad quality & the little use of it here, the Jama rum still on hand & the same Kind selling at Auction for . . . , the Keggs going very slowly, the 3 hhds fish oblig'd to send to the Havanna, the Oyl still on hand, the Choe & most of the candles on hand, the Cheese we shall probably make something by, the Molls and first Rum will turn out well, setting them aside, on all those enumerated we are certain of a loss, which the profits on the other things will by no means, bring up. . . .⁴⁵

Faced with such an unprofitable inventory, Henry proposed that the firm stop its general commission business and deal only in shipping flour at Baltimore and in distilling rum in Boston. Before Henry could do anything concrete with this plan, however, he was called to Boston by what appeared to be the fatal illness of Francis. Although Francis recovered, Henry remained in Boston and from mid May George was alone in Baltimore conducting the affairs of the house.

George had not been happy in Baltimore on his arrival. The weather proved so unexpectedly cold that at the end of April Henry repeated an urgent request to Francis, "George intreats you to send on his winter cloathes as he is certain he is got to the northward of Greenland where there is no Summer & you have unfortunately ship'd only his Summer Cloaths."⁴⁶ He missed his friends in Boston and was plagued by recurrent bouts of illness. Finding Baltimore decidedly lacking in comparison to Boston, he sent home for everything from signs to hay, from shoes to mattresses, convinced that the northern product was better and cheaper. In one letter he requested,

I have wore out your tooth brush & cannot buy one in the place, beg you will purchase 3 or 4 & bring or send on. . . . If you can, buy two proper Desk Knives that the blades are fix'd in the handles without Springs to open or shut, as we have lost several by their being pocketed.⁴⁷

His opinion of Baltimoreans was as low as Henry's had been:

. . . there is no part of the continent where Industrious Mechanics of every kind meet with such encouragement as here particularly those who understand anything relating to a Vessell or its appendages, there is not a good Ships Carpenter in the place, those here are mere botchers & have such Wages as raises their fortunes in a few years. . . .⁴⁸

⁴⁴ Henry Johnson to John Bromfield, January 10, 1784, JJLB.

⁴⁵ Henry Johnson to Francis Johnnot, May 4-7, 1784, JJLB.

⁴⁶ Henry Johnson to Francis Johnnot, April 28, 1784, JJLB.

⁴⁷ George Johnnot to Henry Johnson, July 27, 1784, JJLB.

⁴⁸ George Johnnot to Noah Parker, May 29, 1784, JJLB.

The Mare is brought home & unluckely with fole from (I suppose) some dam'd old Cart stallion. She is ruin'd in my opinion from this circumstance & her lameness, not have recover'd it, nor is there a person here that I can find sufficiently skill'd in horses to know what to do with her.⁴⁹

Only gradually did some of his feelings change so that by August he could write that he was ". . . now well reconciled to his Situation & his Sighs for dear Boston and environs become less frequent."⁵⁰

After the first rush of trade in April and May, George was kept fairly busy until July when harvest time brought a slackening of business. He thus described the rhythm of the Baltimore market to a Boston correspondent:

From the Commencement of harvest to its Completion, slow sales are made, as the farmers previously lay in their Stock & are too much engag'd to come to Market. this almost inactive state in the Sea ports continues abt 6 weeks, when trade again revives & moderate Sales are made 'till fall & then business goes on rapidly till winter. Little is done again till Spring when & during Summer it again revives.⁵¹

Slack trading led him to take inventory, and in July he lamented to Henry,

Business is excessive dull here and the greater part of Nailor Hatch's cargo is on hand as likewise the Rhode Island Packet's which is principally stor'd with us & such a quantity of Havanna Sugars we have had stor'd as to break the main beam of the second floor.⁵²

He therefore bent all his efforts to getting rid of the goods on hand, sending them to Philadelphia or New York when they proved unsaleable in Baltimore, placing some in Virginia for sale, and "doctoring" certain goods to make them sell in Baltimore. He reported to Henry that "Old Jamaica Spirits in 40 gallon Gasks has been selling at Vendue for 6/, 6/6, and even 7/ this led me to try two Hhds of our which I drew off in just such casks but it has such a horrid Smell that it got no higher than 3/3."⁵³ Trying to sell some bad fish he had no better luck despite ". . . all our art and expence to make them appear better. . . ." ⁵⁴

The quantity of goods on hand led him to complain sharply to correspondents about the quality of their goods. To John Bromfield, whose rum was poorly casked, he commented, "We fortunately placed the Casks in the middle loft of a Store which was Very Cool that whenever a leak took place we readily Discovered it by its running below."⁵⁵ To Henry he wrote, "Your last Cod were almost perished when they arrived & I was glad to get them out of the Store."⁵⁶ He toyed with the possibility of shipping goods without paying impost and wrote Henry,

⁴⁹ George Johonnot to Harry Johnson, July 13, 1784, JJLB.

⁵⁰ George Johonnot to Henry Johnson and Francis Johonnot, August 3, 1784, JJLB.

⁵¹ George Johonnot to Howes and Downes, August 16, 1784, JJLB.

⁵² George Johonnot to Henry Johnson, July 13, 1784, JJLB.

⁵³ George Johonnot to Henry Johnson, September 14, 1784, JJLB.

⁵⁴ George Johonnot to Howes and Downes, August 16, 1784, JJLB.

⁵⁵ George Johonnot to John Bromfield, August 8, 1784, JJLB.

⁵⁶ George Johonnot to Henry Johnson, July 27, 1784, JJLB.

the Dutys may be saved by Shipping it unknown to the Capt. so as not to clear it out there or Enter it here in Such case the Mate might give a Rect for it & the Capt with safety Swear to the truth of his manifest that it is all the Cargo he has on Board to his Knowledge, it is lying at the mercy of the mate, but a clever fellow might be got who would be honest.⁵⁷

Despite all his efforts, however, by September much still remained in the store:

What thinks you Broke the main beam—180 boxes wg. upwards 50 Tons of Havanna suggr in the middle loft these are removed and B[romfield]'s largest Tierces supply the place, the 40 to 50 Gall. Casks above that & 24 Hhds N.E. Rum & pickled fish below. . . .⁵⁸

In addition to selling and shipping goods on hand and dealing with current cargoes, George was also busy with plans for the bakehouse. In August he reported that he had procured Spear's bakehouse, located on a small island connected to land near what is now Gay Street by 1000 feet of wharf,⁵⁹ and a baker, interviewed initially by Henry in Boston and presumably a New Englander.

Early in the summer George, reflecting Henry's ideas, expressed dissatisfaction with the general state of the business, and urged concentration on flour. By August, he was more optimistic, writing that the business ". . . has increased beyond my most Sanguine Expectation . . ." ⁶⁰ and stating proudly that "Our reputation is now so well established that we can obtain here almost any Credit." ⁶¹ Even so, he was not greatly pleased with Henry's next plan for the firm to import goods from Europe for sale in Boston and Baltimore. George was dubious of profits from this scheme and urged concentration instead on the erection of the distillery which would have to be abandoned for lack of capital if importation were begun. His change of mind regarding this proposal began in mid August when he reported, "It is imagined the imports here will not be so great next Spring as they have been—" ⁶² By the end of August he went so far as to state, "I am more satisfied that success will attend importation than I first apprehended as few here are disposed to import. . . ." ⁶³ His remaining reservations were a comment upon the flourishing state of the firm in Baltimore. The press of business, his recurring illness, and the poor quality of his help had put him behind in his books and made him feel unable to handle the Baltimore branch alone. He urged Henry to return. Francis' illness, however, had left him too ill to undertake the

⁵⁷ George Jonhnot to Henry Johnson and Francis Jonhnot, September 17, 1784, JJLB.

⁵⁸ George Jonhnot to Henry Johnson and Francis Jonhnot, September 3, 1784, JJLB.

⁵⁹ J. Thomas Scharf, *History of Baltimore City and County*, 2 vol. (Philadelphia, 1881), I, 59.

⁶⁰ George Jonhnot to John Bromfield, August 18, 1784, JJLB.

⁶¹ George Jonhnot to Henry Johnson and Francis Jonhnot, August 12, 1784, JJLB.

⁶² George Jonhnot to Henry Johnson, August 16, 1784, JJLB.

⁶³ George Jonhnot to Henry Johnson, August 27, 1784, JJLB.

trip abroad so "The Captain" sailed for Europe and Francis, leaving the family distillery and the Boston business in other hands, came in December to Baltimore.

Until that time George remained in charge of the brisk business of the firm. It was a good year for exports for George reported, "Such Strick attention is now paid by the Millers owing to their great losses by the Condemnation of their flour, last year, that Very little is now condemned. . . ." ⁶⁴ If exports improved, imports did not. In October he wrote, "N. E. Rum a cursed Article likewise which the N. Englanders are crazy to be sending in every Vessell" ⁶⁵ and vowed, "I have now done with all firsthand Imports & Exports except such articles as are almost Infallible here such as Potatoes, Cranberrys & I would try no more—Picked Salmon is a bad article, excessive dull & grows bad soon." ⁶⁶ By December, he wrote in exasperation to one correspondent, ". . . the Codfish, Oyl, and Dumb fish are very unsaleable, the latter in particular, *You* have sent a sufficiency to stock the market & we have already on hand 30 Quintals." ⁶⁷

Despite these complaints, George obviously thought the Baltimore-New England trade was here to stay and intended to keep the firm as part of it, both for commission work and for trading on its own account, for in December he became part owner of a ship that was to engage regularly in the Boston-Baltimore run. By this time he felt more at home in the Baltimore market and in the course of his correspondence sent some excellent advice to New England merchants:

Merchise that appears likely to do well is frequently the worst by large Arrivals that in shipment from you Some Judgment must be found from ye number of Vessels sailed & Sailing for this port with the quality & quantity of their Cargoes.⁶⁸ The place is yet so small[,] so small & so few speculators in it that a Cargo of unsaleable Merchandise or any unsaleable articles it is next to impossible to sell without great loss.⁶⁹

Unfortunately the letterbook stops before the reader can discover the extent to which George and his correspondents heeded his advice. It is known that, whatever the fortunes of the firm in Baltimore, eventually all three brothers returned to New England to live, marry, and die. In view of this fact, it is not inappropriate that one of the final letters in the letterbook should contain yet another comparison of the small town of Baltimore with the metropolis of Boston. "We would readily send you the smoaking Tobacco but it is not to be had here & tho a Tobo Country they Smoak & Chew far inferior to any generally used in Boston." ⁷⁰

⁶⁴ George Johonnot to McLure and Boies, November 25, 1784, JJLB.

⁶⁵ George Johonnot to Henry Johnson and Francis Johonnot, October 2, 1784, JJLB.

⁶⁶ George Johonnot to Henry Johnson, October 15, 1784, JJLB.

⁶⁷ George Johonnot to Daniel Sargent, December 11, 1784, JJLB.

⁶⁸ George Johonnot to John Boies, December 17, 1784, JJLB.

⁶⁹ George Johonnot to McLure and Boies, December 25, 1784, JJLB.

⁷⁰ George Johonnot to McLure and Boies, January 31, 1785, JJLB.

A BALTIMORE REBEL, 1861

The following letter was written by the Rev. Edward A. Colburn, who was born in Baltimore July 20, 1830, the son of Dr. [?] Harvey (or Hervey) and Elizabeth (Knight) Colburn. On being ordained he was made assistant rector of St. Luke's Church, Baltimore, and in August 1861, moved to Harford county where he assumed charge of Trap Church. In 1861 he became rector of Holy Trinity Church, Churchville, where he served until his retirement in 1904. The letter was presented to the Maryland Historical Society by Layton Rogers Colburn of Delray Beach, Florida, the grandson of the Reverend Mr. Colburn. It is reproduced as originally written, and sheds light on another incident of the Civil War.

Disloyal—Jacob Enfield, arrested Nov 18th, charged with disloyalty, and displaying a rebel flag, was yesterday sentenced to six months' hard labor at Fort Dix.

Rectory, Dec. 5th/64.

My Dear Father:

Above, you read a slip cut from the Sun of to-day. Jacob Enfield's wife is a member of my congregation, and a communicant—a most estimable, though uneducated person. Mr. Enfield himself is a Presbyterian—but a very excellent man. I can express the same opinion of all his family.

You see he is charged with displaying a rebel flag. There is some mistake here. He had an old flag—with the names of Buchanan and Breckenridge on it. He had written on a piece of paper, McClellan and Pendleton—and pasted that paper over the other names. He hung the flag, thus fixed, upon the side of his barn—but a rain coming, washed off the paper, leaving the old names. This will tell what kind of a flag it was. He was arrested and taken to Balt,—where he was confined in the city jail—till the day when sentenced to work on Fort Dix. He has always been a strong southern man—but still I have always found him not unreasonable. About the time of the election, he took this flag to various meetings—and was very imprudent in his display of it. He is an uneducated man—yet, hard working.

Can anything be done for him? His family are in a great deal of trouble about his arrest—but do not yet know of his sentence. Cannot some of you, who are in the interest of the government, present this statement to some one, who has power to move in his behalf. I feel anxious on his wife's account—and on account of his farm—wh. will suffer from his absence.

We are all very well—I may spend next Tuesday night with you. Ma went to Enfield's with me once. She will recollect him.

Accy—

Edward A. Colburn

REVIEWS OF RECENT BOOKS

Stonewall Jackson. By LENOIR CHAMBERS. New York: William Morrow and Co., 1959. 2 vols., 597, 536. Illustrated. \$20.

When Colonel G. F. R. Henderson's brilliant interpretation of Stonewall Jackson appeared in 1898, readers generally felt that it was the last word on Lee's matchless lieutenant. Henderson's work proved a classic, and for more than a half century it remained virtually unchallenged in its field. In 1957 Frank Vandiver's *Mighty Stonewall* was published and it won immediate and well-deserved acclaim. Professor Vandiver dug up an abundance of new material, and his full and discerning treatment of Jackson's antebellum career, along with other solid contributions, gave his book an honored place beside that of Henderson.

Now, after a lapse of only three years, comes another, a longer and much more expensive work on Jackson. It is not surprising that readers, already submerged in a flood of Civil War publications, should raise the question: What justification can there be for another Jackson biography?

The question can be answered in both general and specific terms. Considering the general first, it may be stated that Jackson deserves to be much written about. He was a man of rare genius and remarkable achievement—one of the truly outstanding leaders of the Civil War. He was also a man of great complexity, a strange and sometimes mysterious character. He requires much study and many books to make him comprehensible. He is the sort of man who needs to be re-studied and re-interpreted, by honest, able, and well-balanced students who are willing to pay a considerable price in research and reflection. Independent appraisals, properly arrived at, will almost invariably throw new and revealing light on a man like Jackson.

Specifically, Lenoir Chambers has justified this study in several ways. First he has done a thorough job of research in both published and manuscript materials. Second, he has shown remarkably good judgment in interpreting Jackson and Jackson's associates. He does not hesitate to bring out Stonewall's weaknesses. He never tries to build Jackson up by disparaging his companions-in-arms. He does not overplay Jackson's eccentricities. He steers clear of sensationalism and other forms of trickery all too frequently employed by "popular" writers to increase reader appeal. His treatment of Jackson is sympathetic, but it is balanced and fair. Third, Mr. Chambers possesses exceptional gifts of narration. He tells his story in a simple, straightforward manner. His descriptions of marches and battles are concise and clear. He goes into considerable detail, but he is never dull or tedious. From beginning to end his account is absorbingly interesting.

Mr. Chambers cannot be credited with any striking discoveries or startling revisions. But he does introduce new and interesting detail and provide original and refreshing insights into the man and his career. His is primarily a study in depth, and as such it deserves a respected place in the literature treating of Jackson. Chambers' *Stonewall Jackson* is in every sense a distinguished biography.

BELL IRVIN WILEY

Emory University

The Papers of John C. Calhoun, Vol. I, 1801-1817. Edited by ROBERT L. MERIWETHER. Columbia: University of South Carolina Press for the South Caroliniana Society, 1959. xlii, 469 pp. \$10.

This volume, the first of a projected eight volumes, covering the entire career of John C. Calhoun, is a masterpiece of editing and editorial procedures.

Calhoun's important papers presented almost insurmountable difficulties to previous editors. The illegibility of Calhoun's script alone together with the great task of gathering the materials itself required a major job of organization, skill, competence, patience and a nearly unsurpassed knowledge of local biography, state and national history. The late editor, Professor Robert L. Meriwether, possessed all of these necessary attributes and thereby contributed a model volume of twentieth century editing.

The first issue embraces Calhoun's life in the nationalist period. This reviewer (as a student) once asked Professor Meriwether if the Calhoun project would bring any new light to Calhoun's career and the ante-bellum period. The answer "no" was a most humble lie. The volume contributes much new information to state and national history. Here are Calhoun's speeches and thoughts on the War of 1812, internal improvements, the second bank of the United States among other issues and events about which too little is known. But this work offers a rich knowledge of the period. Of the *Calhoun Papers*, Meriwether's own words are a summation; the first volume should obliterate the "merely preposterous interpretations of Calhoun" and begin the scholarly study of the forty years of his work.

R. W.

Their Rights and Liberties: The Beginnings of Religious and Political Freedom in Maryland. By THOMAS O'BRIEN HANLEY, S. J. Westminster, Md.: Newman Press, 1959. xv, 142. \$2.75.

Certainly this volume is written from an interesting new viewpoint. Father Hanley, of the history department of Marquette University, in his discussion of religious freedom does not stress the Proprietor's instructions to his governor in 1633, or the famed Act of Toleration of 1649. Instead

he emphasizes the ordinance enacted in 1639 by the Assembly of Maryland. He maintains that this legislation advanced the cause not only of religious but of political liberty, for the freemen here claimed—as the event proved, victoriously—the right to initiate legislation.

The main thesis of the author is that the Ordinance of 1639 derived from a tradition specifically English and completely Catholic. The proposition that the rule of the world was entrusted by the Divine will to two autonomous societies, the Church and the State, was enunciated as early as A. D. 494, the author recalls, by Pope Gelasius I and frequently reiterated in subsequent centuries. The English Catholic formulation of this concept the author traces to Sir Thomas More. He finds it developed in the writings of men influential among the English recusants, most notably Cardinals Allen and Bellarmine. The pioneer Marylanders consequently believed that Church and State were two distinct and mutually respectful powers and enacted this belief into law.

The reader cannot but surmise that this book was in its original form a dissertation for a graduate degree. The writing is obviously labored and, unfortunately, often obscure. There are factual errors and unsubstantiated assertions. While the book cannot be considered a major contribution to our knowledge of colonial America, it does take a fresh new look at early Maryland.

Senator Eugene J. McCarthy of Minnesota has contributed a thoughtful and eminently worth while foreword.

FRANCIS X. CURRAN, S. J.

*Loyola Seminary,
Shrub Oak, N. Y.*

The County Courthouses and Records of Maryland, Part One: The Courthouses. By MORRIS L. RADOFF. Publication No. 12. Annapolis: The Hall of Records Commission, State of Maryland, 1960. xvi, 175.

The archivist and records administrator, Hall of Records, Annapolis, has written and edited a valuable and handsome volume on a neglected subject, the Free State courthouse, from the seventeenth century down to recent times.

The author, realizing that the courthouses formed the setting for the early records of the State, planned to incorporate material on the buildings as an introduction to the records, but soon found that the voluminous data on the court structures deserved a tome to themselves. Consequently, a book on the State records will follow this one on the court edifices.

In the beginning of this work it is rightly pointed out that the lack of interest in preserving, or even making records of, the courthouses has made almost a clean sweep of the early examples. It may surprise some persons that it is likewise shown that only two 18th-century court buildings have survived—those at Easton and Centreville. Fire and neglect have made a blank slate of all 17th-century courthouses. The author indicates

the obstacles met with in securing photographs, and other data, about these same buildings, and notes that even views of recently-destroyed courthouses were difficult to find: nobody was interested. But the copious illustrations he has presented show that his task proved both worthwhile and successful.

The work is arranged by giving to each county, starting with Allegany, a chapter about its court constructions in chronological order, including many building specifications and descriptions, as well as a short introduction about the formation of each county. A complete list of the sources of the illustrations is also given. Some fine plats, like the one of Joppa, Baltimore County, enhance the volume. Especially interesting is the old plat of the Charles County court building with 1697 additions—showing a site plan with outhouses, snake fence, a parcel of old peach trees, and stocks—although no attention seems to have been given to these items in the main text or captions.

This book sheds new light on the history of Maryland building; nonetheless there is little in the work to suggest an awareness of such discoveries. The building specifications, quoted in fine print, are rich in terms and expressions about unfamiliar forms—that is, unfamiliar today: "folding casements," "galloping joists," "wooden chimneys," "posts in the ground," and such like. This last item, by the way, means *puncheons*. This reviewer believes that this is the first record of puncheons discovered in Maryland. As far as we know, there is only one record of them found in Virginia—at Berkeley Plantation in 1619, described in *Virginia Architecture in the Seventeenth Century* (1957). Further, the "large" porch with rails and balusters built in 1687 on the end of the courthouse at Cambridge, Maryland, seems to have been an unusual specimen in a period of small enclosed porches everywhere.

Much more could have been done in the text of this volume to define for the general reader some of the difficult expressions which have been quoted, as for instance, "cage" (first mentioned on p. 11), meaning prison; "pitch" (p. 21), referring not to the pitch of a roof, but to the height between floors; "overjetted," an arrangement where an upper storey juts out over the floor below; or "forms," which are long benches without backs. The poor reader has to stumble through "stock locks," "groundsell," "gice," "halfe-paced," "lutarnes," "p[b]olections," "pinacles" (for court rooms), and many other expressions of the same kind without any help in understanding them. It is like reading a language which has not been translated. Perhaps the reader can guess that "chimneys" are fireplaces and "bannisters" balusters; nevertheless these clarifications, and others, should have been incorporated into the text.

For those interested in early court rooms, decorations, and furnishings, this work is valuable for its descriptions and pictures, especially the (wash ?) drawing of the Harford Court Room of 1791—showing naïve Victorian touches—an illustration found hanging in the judge's chambers in Bel Air.

In respect to the first courthouse in Dorchester County, this source declares that at this late date positive identification is difficult and that it

is more likely that the court building is the structure on "John's Point." Nothing is mentioned of the identification twenty-six years ago that "John's Point" and the first Dorchester courthouse were one and the same, of the fact that it had a T-shaped plan, and was claimed to be the quaintest building of its century in the Free State.

Some exception has to be taken with several of the "restoration" drawings, if indeed they are intended for such. Most readers of this book will tend to accept the forms shown as literally true, because the drawings have not been captioned "purely conjectural" or "imaginary," as they should have been. For one thing, the caricature of the 1683 courthouse at the Ridge, Anne Arundel County, appears to be out of place in a serious work, and besides, the skimpy account of it quoted on page 9 gives no evidence about its external appearance other than the statement that there was a room over the court room.

Again, the drawing of the Charles County courthouse of 1675, no longer existing, has a great deal the matter with it. As drawn, the leaning chimney could not possibly stand up in the original building because of the law of gravity. After a little checking, the reader should find that the thumb nail sketch of this structure crudely represented on the 1697 plat, already referred to, has a stack which leans heavily. Experience with old plats, however, shows that in general they should not be interpreted too literally, inasmuch as they are often surveyors' field notes. To cite one important example, witness the unfortunate literal interpretation of the sketchy pew plan of 1721 at Old Wye Church which caused unbalanced aisles to be built into the restoration of that fane.

Moreover, the Charles County building is shown in the artist's drawing as a brick structure, with rectangular window panes and arched porch doorway, whereas the old thumb nail sketch reveals a clapboarded façade, diamond-pane windows, and two small front doors without arches. The author himself admitted (p. 67) it was a clapboard structure. There are others of this series of artistic delineations which appear to be partially or wholly imaginary.

The reader will enjoy Jefferson's caustic comment about the second statehouse in Annapolis, as well as some of the pithy observations of the author about Maryland court structures in general. We learn, among other things, that "courthouses are rarely built for the price contemplated," nor are they ever "completed at the time set in the contract." Besides, in normal court construction, "tempers" become short. That the second courthouse in Baltimore (1805) was badly decayed, with its records in danger, was not unusual for Maryland, because the building was in "apparently a chronic state" after twenty years of service. The part which fire has played is well emphasized in the text, and the reader will enjoy the graphic description of the Harford County fire of 1858, as well as the vivid painting of what happened to the Frederick county seat in 1861. The Frederick record office there burned likewise, but which of the two smaller structures beside the courthouse is the record office is not given in the caption. Too many of the captions in the book are vague as to place names and structure identification.

The volume makes no attempt to describe adequately the appearance, forms, details, architectural styles, construction, site plans or floor plans of the majority of the existing courthouses. Beyond one photograph, there seems to be no description of the original Queen Anne's County court building of 1794. In fact there are no measured floor plans, in spite of planning being the basis of all architecture. The other fine building—built coincidentally enough, in 1794—is the Talbot courthouse at Easton, the architect of which "is unknown." Nonetheless, this pile "was one of the largest in the State and showed signs of a careful and experienced hand." The author has taken note of the fine appearance of this courthouse which distinguished it from others of the same period, but is cautious in describing the changes of 1958, two years ago. He stated: "There have been some changes, of course." To show appreciation of the building he has presented two excellent photographs of it before the recent alterations.

It is to be regretted that an old engraving (1858) of Talbot courthouse—the earliest known representation of it—was not included in this book. At any rate the old print proves that no "restoration" was made to the façade in 1958, as claimed locally. The print shows a front doorway to have had a large triumphal arch with keystone and imposts, not the triangular pediment placed there in 1958. The architects at that time also left off the original brick front gable with flattened oval window, replacing them with a wooden, windowless gable; and omitted the chimneys and balcony shown in the fine old print. In the 1958 remodelling, all the old partitions were moved to cater to office space demands, without regard to the original floor plan of the courthouse. Further, the erection of enormous, somewhat grotesque, two-storey wings and arcades, made of a cheap grade of brick, were the direct cause of the destruction of a number of original eighteenth-century windows in the sides of the court structure. Is it too much to hope that in a second edition all these things which have happened recently to the finest courthouse in the State will be duly entered?

Especially for its source material about a selected group of Maryland buildings, both ancient and modern, this is an invaluable volume. It is scholarly and impressive. Even in the footnotes there is a wealth of material. It should make a handsome Christmas gift, a beautiful book for library display, and an important reference work.

HENRY CHANDLEE FORMAN

Easton, Maryland

The Letters and Journals of James Fenimore Cooper. Edited by JAMES FRANKLIN BEARD. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1960. Vol. I: 1800-1830, xlv, 444; Vol. II: 1830-1833, viii, 420. Illustrated. \$20.00.

It is doubtful if, today in America, anyone save high school children or graduate students reads him who was once accounted America's greatest novelist. For this there are several reasons, and none of them affects the validity of the decision to publish all of that novelist's letters which can be uncovered. Dr. Beard, Associate Professor of English at Clark University, has been seeking them out for fifteen years. By ferreting through such unlikely repositories as, say, the Dawes Collection at Marietta College or the Davenport, Iowa, Public Museum—to say nothing of various European archives and private owners everywhere—he has assembled an impressive total. "Approximately two thirds of the material is published for the first time, and much of the remainder has not hitherto been known or easily accessible to scholars" (p. xl). Aware, however, that the most scrupulous research is fallible, the editor pleads that any reader of these pages who knows of a possibly unrecorded Cooper document communicate with him at Worcester, Massachusetts, in time for its inclusion in the final volume of the series.

Dr. Beard has dressed out his findings more than competently. Of illustrations alone there are fifteen in Volume I and thirteen in Volume II, some of them salvaged from quite obscure lurking places (such as a lithograph from a Dutch obituary on the novelist). Each volume has an Index of Recipients and of Journals, while the concluding volume will carry the master index. The annotation, ample but not overburdening, follows each document, with the chief entry on individuals appearing at the time of initial mention. Two instances where annotation is not employed but should have been: which was that "enumeration of the Am. Poets" Cooper wrote in the late 1820s? (II, 88); who was this Dr. Niles at Paris who proved such a "disgrace" to America? (II, 372). The "Billy Crafts" Cooper saw attending the North-South horse race on Long Island (I, 99) was perhaps the Charleston, South Carolina, poet and journalist William Crafts.

On the testimony of this first installment our York State author emerges as a more interesting letter writer than journalizer. His journal entries, particularly in Volume I, are often so brief as to be scrappy, and even where lengthier tend to the commonplace in observation. Nor as correspondent will Cooper usurp the status of Byron, Edward Fitzgerald, or President John Adams. He is never felicitous in style, surprising or poignant in choice of subject matter. He is earnest, intelligent, and well informed. Though he did not mingle wholeheartedly in European society despite the length of his stay, nor by modern standards traverse much of the European earth, the areas he knew—London, parts of France and Germany, more of Switzerland and Italy—he knew well. The result is that his *Letters and Journals* constitute a case book on that rewarding but little-explored theme: the education of the American abroad. Their two

chief threads of discourse are (1) the contrast between European and American ways of life—almost invariably to the advantage of the latter—and (2) speculation about the several revolutionary movements wracking the Continent at this time. On both topics Cooper has much to say that is thoughtful and instructive. The student of literature can trace profitably here—as with Francis Marion Crawford half a century later—the European provenience behind some of the most “American” of American novels. The general reader will discover that Cooper had an unobtrusive but definite sense of humor. Marylanders will note a few familiar names, *viz.*, Cooper’s refutation of the premature report of Charles Carroll of Carrollton’s death (II, 325) or his London-journal entry to the effect that he “called on Mrs. David Hoffman, of Baltimore, who is just arrived. She has been presented [at Court], but does not seem to have her head turned” (II, 393). The father of four daughters, he gives an admirable, equitable argument against international marriages for American girls (II, 103-104).

In sum Cooper, though a good Yale man, would assuredly concede that Harvard, with Dr. Beard, has done him proud. This project will become a capital contribution to American intellectual, literary, and social history.

CURTIS CARROLL DAVIS

Baltimore, Maryland

Anthony Wayne: A Name in Arms. Edited by RICHARD C. KNOPF.
Pittsburgh: University of Pittsburgh Press, 1960. 566. \$7.

Major General Anthony Wayne’s greatest service to his country was in his last years from 1792 to 1796 when he organized a new American army, subdued the hostile Indians of the Northwest Territory, and reached a settlement with them at the Treaty of Greene Ville. He thus established the authority of the United States in the region between the Ohio River and the Great Lakes, eliminating a possibility that all or part of this territory might become an Indian buffer state under British protection. His campaign in the Old Northwest is a salient episode in the formative years of the United States, when the new federal government was struggling to assert its authority against external and internal threats.

Many of the sources essential for this important chapter of American history are now published in this attractive volume, the latest of the valuable source publications of the University of Pittsburgh Press. Here is Wayne’s correspondence with the successive secretaries of war during his campaign—with Henry Knox who headed the War Department from the beginnings to the victorious year of 1794; with Timothy Pickering who directed the treaty settlement of 1795; and with James McHenry who had the ungrateful task of reducing the army to a peacetime footing. All the letters come from the Wayne Papers at the Historical Society of Pennsylvania. Wayne, therefore, is represented by copies or drafts of his letters, and not by his letters as received in the War Department. No attempt

seems to have been made to locate the letters sent by Wayne, although it appears likely that some survive in the papers of Knox, Pickering, and McHenry, and a few are published in *American State Papers*. Consultation of these collections might have cleared up some doubtful readings and supplied some missing passages and letters. In practice, however, there seem to be only a few instances where such checking might have been profitable. Certainly, it is worthwhile to have this correspondence as given in the main collection of Wayne Papers.

Mr. Knopf has done a good job of transcription and editing. The notes are helpful, but so condensed as to be unobtrusive. Wayne's style and that of Knox and Pickering is interesting and readable, and James McHenry's more routine letters make up but a small part of the volume. The introduction and the prefaces which tie together the letters for each year are judicious presentations of the events and facts which the reader needs in order to find the "story line" in the letters. One might boggle at writing off the Whiskey Rebellion as "little more than a taxpayers' riot" in order to enhance the significance of Wayne's campaign. Both episodes involved serious threats to national authority, but the Western Pennsylvania affair had lasting effects on state and national politics. There is a good index mainly to the names of persons and places, the illustrations are abundant and well chosen, and the bibliography will be a helpful guide to any further study of Wayne's campaign into the wilderness. This is a source book in which the ordinary reader will find much to interest him, and it will enrich the study of an important period in American history.

DONALD H. KENT

Pennsylvania Historical and Museum Commission

The Jacksonian Heritage: Pennsylvania Politics, 1833-1848. By CHARLES MCCOOL SNYDER. Harrisburg: Pennsylvania Historical and Museum Commission, 1958. ix, 256. \$3.50.

Justifiably asserting that the history of the states during the Jackson Era remains a fertile field for research, Charles McCool Snyder proceeds to analyze the political developments in Pennsylvania throughout the decade and a half subsequent to President Jackson's second inauguration. Inasmuch as Pennsylvania was one of the more populous and indeed a vitally strategic state at that time, this monograph is undeniably a welcome addition to the literature of Jacksonian Democracy. The twelve chapters of the volume are dispassionately written and conspicuously well-documented. The bibliography in general and the manuscript and newspaper collections in particular are indicative of the author's noteworthy calibre of scholarship. Of considerable assistance to the reader are the statistical tables inserted in the appendix, which provide the detailed results of the presidential and gubernatorial elections of the period as well as the various congressional and senatorial apportionments.

Pennsylvania, like New England and New York, was temporarily im-

mersed in the Antimasonic dispute, and, as the headquarters of the United States Bank, was peculiarly involved in the explosive fiscal controversies of the period. According to the author, President Jackson's personal popularity and the sensitivity of Pennsylvanians to the tariff issue were potent ingredients in the state's political fortunes. Mr. Snyder, commencing with an informative account of the geographic, social, economic, and governmental background of Pennsylvania, and concluding with a logical appraisal of the political transition paralleling the years between 1833 and 1848, merits high commendation for his contribution to a more profound understanding of Jacksonian Democracy.

PHILIP A. GRANT

St. Peter's College

The Fall of Richmond. By REMBERT W. PATRICK. Baton Rouge: Louisiana State University Press, 1960. ix, 144 pp. \$4.

In *The Fall of Richmond* Professor Patrick has portrayed in detail something of life and death in the stricken city on the second, third and fourth of April, 1865. On Sunday, April 2, President Davis left the morning service in St. Paul's Episcopal Church to pack and flee about midnight with other remnants of the dying Confederacy. On Tuesday President Lincoln attended by Admiral Porter and a dozen sailors walked unmolested about the streets of Richmond and had lunch in the Davis home, at the moment occupied by General Godfrey Weitzel. On Sunday Colonel Walter H. Taylor snatched a few hours from duties on Lee's staff and married Bettie Saunders. Early Monday Mayor Mayo performed the unexpected and painful duty of surrendering the city to troops of General Weitzel. Federal troops at once rushed into the city and to the Capitol Square, tore to bits a Confederate flag, and raised atop the Capitol the flag of the United States. At once they turned to restore order and fight the fires burning before their arrival. Unable to remain in her Churchhill home, Elizabeth Van Lew walked among the smoking ruins which seemed to her a "flaming altar" on this day that advanced civilization a century and brought wonderful deliverance for the Negro. One cannot know what fears filled the breasts of matrons locking their doors at nightfall, but ere long the pacing steps of guards in lonely streets brought assurance that in the discipline and goodwill of the conqueror Richmond might sleep this night without murder or rape. Tuesday the army offered food to the destitute and began the work of rebuilding even as the *Rebecca Barton* in Washington loaded medicines and other supplies for relief in Richmond.

In 1935 parts of the Confederate flag torn to tatters in 1865 were returned by the Stamford Guards of Connecticut. Douglas S. Freeman thanked the Guards in a moving service held in St. Paul's Church.

One may correct a number of minor mistakes. John C. Breckinridge was hardly young in 1865, p. 8. The United Presbyterian Church was not "three blocks north" of the home of the Rev. Moses Drury Hoge, p. 60,

and so on or near the corner of 5th and Broad Streets. It was on the corner of 8th and Franklin Streets. We believe the pastor of the Second Presbyterian Church and his nephew were named Hoge rather than as given in the text. One using the index may have trouble, for in more than a dozen cases the page number for a given item is smaller by one than it should have been.

For this reviewer Richmond was home for a quarter century and much of the detail in *The Fall of Richmond* was for him doubly exciting because of personal experience or local tradition one generation removed. He feels that the author is to be commended for his success in capturing so much of the past and giving it to the present with so much vitality. This is the kind of book one finds it hard to lay aside, even for sleep. After reading this book one asks himself again and again why any one reads novels when he can read history as exciting as this.

THEODORE M. WHITFIELD

Western Maryland College

Generals in Gray: Lives of The Confederate Commanders. By EZRA J. WARNER. Baton Rouge; Louisiana State University Press, 1959. xxvii, 419. \$7.50.

Generals in Gray is the result of ten years research on the part of the author who saw the need for a comprehensive directory of the 425 general officers of the Confederacy. Included for each officer are dates of birth and death, military ranks, place of burial, and war time service, as well as the more obvious facts pertinent to individual careers.

Even more impressive is the inclusion of a picture of each officer with but one exception—J. B. Grayson of Kentucky. An introduction, notes, and a lengthy bibliography help to make this volume a most useful reference work.

There are eleven Marylanders listed who are relatively well-known to us: James J. Archer, Arnold Elzey (Jones), Bradley T. Johnson, Lewis H. Little, William W. Mackall, George H. Steuart, Allen Thomas, Lloyd Tilghman, Isaac R. Trimble, Charles S. Winder, and John Henry Winder. A twelfth, Robert Charles Tyler, who was killed in action in Georgia after Lee's surrender, was supposed to have been born and reared in Baltimore. Described by Mr. Gray as "the most enigmatic figure of the 425 generals of the Confederacy," Tyler has continued to elude the most untiring researchers including the late William N. Wilkins of Baltimore.

Other Confederate generals listed with close Maryland connections are Mansfield Lovell, born in the District of Columbia, Richard S. Ewell, born in Georgetown, D. C., States Rights Gist, a South Carolinian descended from the Gists of Maryland Revolutionary fame, and John Bankhead Magruder, a Regular Army officer who was among other things a pre-war member of the Maryland Club and married to a Baltimorean.

C. A. P. H.

Quakers and the Atlantic Culture. By FREDERICK B. TOLLES. New York: The Macmillan Company, 1960. xiii, 160. \$3.95.

In recent years there have been several rather successful attempts to view the history of Quakerism in a new way. This book reveals still another fresh approach to Quaker history as the author pictures the place of the Society of Friends in seventeenth and eighteenth century colonial America. Instead of seeing Quaker history as though it were an isolated phenomenon, the author ties it into its environment.

While treating Quakers and politics, free enterprise, Puritan ethics, the arts and science, Professor Tolles brings out the continuous exchange of Quaker thought and practice both in England and America. He likewise sketches both the significant contributions of Quakerism to early life in America and the cultural impact of the surrounding world on the Society of Friends.

This work incorporates a number of articles published by the author over the past ten years; yet it hangs together very well and provides interesting reading. Upon finishing this book, the reviewer understood much better what is meant when Frederick Tolles is called one of the new and really creative Quaker historians.

KENNETH L. CARROLL

Southern Methodist University

Katy of Catoctin, or The Chain-Breakers: A National Romance. By GEORGE ALFRED TOWNSEND "GATH." New edition with an introduction by HAROLD R. MANAKEE. Cambridge, Maryland: Tidewater Publishers, 1959. 567. \$5.00.

Ever since he stood by "the dead face of Abraham Lincoln," George Alfred Townsend had "the idea of writing a romance upon the conspiracy of Booth." The result was the publication of a Civil War classic which opens with John Brown's raid and ends with the trial of the Booth conspirators. Originally published in 1886, this volume has finally been reprinted to reintroduce "Gath" (Townsend's *nom de plume*) to a twentieth century Maryland which is almost totally unfamiliar with the man and his writings.

Lloyd Quantrill of Baltimore is the hero of *Katy of Catoctin*. Gath introduces him to his readers at the same time he introduces John Brown who was in Western Maryland plotting his Harper's Ferry raid. Katy Bosler is a member of a German Dunker family with whom Quantrill falls deeply in love. This romance, however, is only incidental to the story and is thrown in only to complete the local color with which Gath was so familiar. John Wilkes Booth also loved Katy and Gath weaves him in and out of the plot at will. Lloyd and Katy eventually overcome such obstacles as battles on Maryland soil, spies, Baltimore riots, abolitionists, and Dunker religious customs to become very happily married.

Tidewater Publishers are to be congratulated for making "Gath" once

more available to Marylanders. Harold Manakee, the Maryland Historical Society's Assistant Director, has written an excellent introduction which places both the book and its author in their proper perspectives. He has also described Townsend's little known efforts to erect a monument to Civil War correspondents in what is now the Gathland State Park, in Crampton's Gap, between Middletown and Gapland, in Western Maryland. *Katy of Catocin* has an interesting interpretation of Civil War events and revisionists will have to bear in mind that Townsend took a newspaperman's and a novelists' liberty in writing about history. It is a pleasure to welcome this classic by an outstanding Maryland author to the growing number of Civil War reprints.

FRANK F. WHITE, JR.

Maryland Hall of Records

An Errand of Mercy: The Evangelical United Front, 1790-1837. By CHARLES I. FOSTER. Chapel Hill: The University of North Carolina Press, 1960. xi, 320. \$6.50.

This book presents the history of Evangelical Protestantism in Great Britain and the United States from its organized beginnings in 1790. In both countries this movement came into being as a conservative counter to growing radicalism, both foreign and native, following the American War for Independence and the Napoleonic Wars.

Evangelicalism is remembered for its revivalism, proselytism, and sentimentalism. It contained all three of these but possessed something more—so that it expressed its doctrines and work successfully through many different societies operating quite free of denomination control. The history of many such groups as the American Bible Society, the American Sunday School Union, and the American Tract Society shows the interlocking group co-operation existing between these groups. Only the strong sectarian forces at work in American Protestantism in the 1830's caused the collapse of the Evangelical "united front" in the United States in 1937. This book introduces the reader to Evangelical Protestantism and to the many movements through which it expressed itself.

KENNETH L. CARROLL

Southern Methodist University

Confederate Receipt Book: A Compilation of Over One Hundred Receipts, Adapted to the Times. Edited by E. MERTON COULTER. Athens, Ga.; University of Georgia Press, 1960. 38. \$2.50.

This reprint of the only known published Confederate receipt book (Richmond, 1863) will be of interest not only to the legion of Civil War buffs, but also to the many students of an earlier America. The use

of substitutes by the hard-pressed people of the South has been the subject of several articles and at least one full-length study in the past, but until the recent publication of this little volume, few of those interested have been able to sample for themselves the ersatz as compared with the real thing. Divided into five sections, Culinary, Beer and Vinegar, Soap and Candles, Remedies, and Miscellaneous Receipts, who knows but that someday Marylanders will have to turn to this compilation for help. If the supply of Chesapeake Bay oysters continues to decrease and if prohibition should ever return, the recipes for table beer would go well with that for artificial oysters: "Take young green corn, grate it in a dish, to one pint of this add one egg, well beaten, a small teacup of flour, two or three tablespoonfuls of butter, some salt and pepper, mix them all together. A tablespoonful of the batter will make the size of an oyster. Fry them light brown, and when done butter them. Cream if it can be procured is better."

C. A. P. H.

Early Maps of the Ohio Valley, By LLOYD ARNOLD BROWN. Pittsburgh: University of Pittsburgh Press, 1959. xiv, 132. \$12.

This book represents a selection of fifty four maps, plans, and views made both by Indians and Colonials between 1673 and 1783. The author had over five hundred possible maps from which to choose, practically all of which had been gathered originally by the late Howard N. Eavenson, a Pittsburgh industrialist, whose widow made the publication of this book possible. Many of these maps are in Maryland libraries. Some of these maps have been reproduced previously, so the author, a Marylander, admits that their publication adds nothing new to our information about the Ohio Valley. Nevertheless, the book does serve as a pictorial history of "La Belle Rivière."

The author admits that he had a problem in the selection of what maps to publish. How he came to do so makes a valuable introduction. In addition, says Brown, "maps made during the first two hundred years of America's history present a puzzle that is impossible to solve: the identification of early place names with modern equivalents." With this thought in mind, the book represents an important compilation since the Ohio Valley placed such a prominent role in the struggle for the control over the American continent during the colonial period of our history.

Upon reading this book, one comes to the conclusion that a similar study is needed for either the Chesapeake Bay, some of our rivers, or the State itself. It would serve as a supplement to Mathews' *Maps and Map-makers of Maryland*, long out-of-print.

FRANK F. WHITE, JR.

Maryland Hall of Records

Virginia Origins: A Lawyer's View. By WALTER H. BUCK. Baltimore, 1960. 26 p.

Mr. Buck, in discussing the opposing Cavalier-plebeian views of the origins of Virginians as propounded by several historians, finds that the early Virginians were "of good English stock, that they were not mere transplanted Englishmen, that they established their own way of life in Tidewater Virginia, that their manners were good for those days and that their sense of honor was high." (p. 16).

The Siege of St. Augustine in 1702. By CHARLES W. ARNADE. Gainesville; University of Florida Press, 1959. 67. \$2.

In this study Dr. Arnade has made use of Spanish archival documents of the Stetson Collection, University of Florida, and certain of A. S. Salley's South Carolina records. Readers of this *Magazine* will be interested to note that the Stetson photostats were prepared by J. A. Robertson, formerly archivist of Maryland.

The author here has sensed the drama of Moore's attack on the embattled garrison at St. Augustine; and, moreover, has done research important to the present St. Augustine historical-restoration program. The larger aspects of the English-Spanish conflict, 1702-13, he might conceivably have made clearer.

VERNE E. CHATELAIN

University of Maryland

NOTES AND QUERIES

Indian Aid Society—The undersigned is seeking information concerning the Indian Aid Society of Baltimore which appears to have been active during the years 1875-1880. Any information concerning this organization will be appreciated.

NELSON RIGHTMYER

Historiographer, Diocese of Maryland
Glyndon, Md.

Francis Scott Key Commemorative Stamp—On September 14, 1960, the Post Office Department issued the Francis Scott Key commemorative stamp of the "American Credo" series at Baltimore, Maryland, with ceremonies climaxed at Fort McHenry National Shrine. Individuals desiring First Day cancellations of the 4-cent Key "Credo" stamps may send self-addressed envelopes together with remittance to cover the cost of stamps affixed, to the Postmaster, Baltimore 33, Maryland. Included with the ceremony at Fort McHenry and at the Baltimore Post Office will be a philatelic display at the Southern Hotel sponsored by the Associated Stamp Clubs of the Chesapeake Area in September, 1960, known as "Chesapex 60."

Readers of the magazine will be interested to know that Mr. Charles F. Stein's "A History of Calvert County" has been published. Although received too late for review in this issue of the magazine, there will be a future review. Inquiries may be addressed to Mr. Stein at 231 St. Paul Place, Baltimore 2.

Nathaniel Walker—Mr. Alfred Walker offers a \$25.00 reward to the person furnishing him authentic proof of the parentage of Nathaniel Walker, who died in Frederick Co., Md., in 1766, naming wife Elizabeth and son Ranalder as his only heirs. He also wants Elizabeth's maiden name and other names of the children, if any. Nathaniel's parents are thought to have been Charles Walker, born 1698, and Mary Walker. Charles', who was born 1698, parents are thought to have been Charles Walker, born 1663, and died 1730, in Prince Georges Co. Address:

ALFRED WALKER,
4336 Vanderbilt Road,
Birmingham 7, Ala.

CONTRIBUTORS

ROSAMOND RANDALL BEIRNE, with John H. Scarff, is the author of the important study of Maryland and Virginia architecture, *William Buckland, 1734-1774*. . . . She is Regent of the Mount Vernon Ladies Association of the Union and member of the Council of the Maryland Historical Society.

WILLIAM F. O'BRIEN, S. J. is assistant professor of Political Science at Georgetown University. Author of many articles in scholarly journals on constitutional law, his book *Justice Reed and the First Amendment* (Washington, 1958), numbers among the important contributions to the study of this field.

ALEXANDRA LEE LEVIN is a resident of Baltimore. She is the author of "Miss Knight Abroad" in *American Heritage*, April, 1960, and earned first prize in the Parker Genealogical Contest in 1958 for her "Beall Family of Maryland." She is currently studying the English women playwrights of the eighteenth century.

RHODA M. DORSEY is assistant professor of History at Goucher College. She is a student of early American history and her present article grew out of her extensive work on the merchants of the Confederation Period.

TONGUE, BROOKS & COMPANY

INSURANCE

All Coverages

213 Saint Paul Place
Baltimore

SMITH'S BOOK STORE

Established 1876

Special attention to inquiries
for books relating to Baltimore
and Maryland.

LIBRARIES OR SINGLE
BOOKS PURCHASED

805 N. HOWARD STREET
MU 5-2823 BALTIMORE 1



Photo Engravings
for Programs
- Catalogs
and Magazines -

The
ADVERTISERS ENGRAVING COMPANY
501-509 EAST PRESTON STREET
MULberry 5-2357 5-2358

TRADITIONAL FURNITURE

*From America's outstanding
sources . . . in wide
open stock selection.*

Our workroom offers complete
restoration service . . . cabinet-
work, refinishing and reuphol-
stering.

FALLON & HELLEN

11 and 13 W. Mulberry St.
Baltimore, 1, Maryland
LExington 9-3345

IN 1901—

when we reached the age of 22

Queen Victoria died at Osborne House, Isle of Wight—*January 22.*

Bostock's Zoo, on the site of the Lyric Theatre in Baltimore, burned with loss of many animals—*January 30.*

At the formal count of electoral votes for the Presidency, McKinley and Roosevelt were declared elected—*February 13.*

Dr. Daniel C. Gilman resigned as president of Johns Hopkins University—*February 22.*

Aguinaldo, the Philippine leader, was captured and took the oath of allegiance to the U. S.—*April 2.*

Wherever you move . . . whatever you store . . . call Monumental-Security Storage Company, Baltimore agent for Allied, the World's largest, most trusted Van Line.

MOVING local or long distance by skilled personnel experienced in handling everything from household furnishings to priceless works of art.

PACKING with our exclusive Kleen-Pack method in custom containers protects even your most fragile possessions in storage and during transportation.

STORAGE in Baltimore's most modern concrete and steel warehouse, sprinkler equipped to give you the lowest possible insurance rate and the best possible protection.

Your Baltimore Agent for Allied Van Lines

Monumental-
 **Security STORAGE CO.**

WINDSOR AVENUE AND MONROE STREET
BALTIMORE 17, MD.

LAfayette 3-2141

SAratoga 7-3480

"Serving Baltimore and the Nation Since 1879"



FOURTH DIVIDEND THIS YEAR!!!!

AS OF DECEMBER 31, 1960,
the FOURTH GENEROUS DIVIDEND this year will be
paid or credited to Savers by FRATERNITY FEDERAL,
where dividends are now paid

4 TIMES
A
YEAR

NEW PERIOD BEGINS JANUARY FIRST
Savings received by the 10th will earn from the FIRST!

BE SURE YOUR SAVINGS ARE GOV'T-AGENCY INSURED—
SAVE SAFELY AND PROFITABLY at FRATERNITY

 in Stability (47 years)

Modern in Service, Convenience and Progress.

* Savings INSURED to \$10,000 by the FSLIC,
* * U. S. Government instrumentality

- ★ Customer PARKING LOT at rear door
- ★ Speedy, POSTAGE-PAID SAVE-by-MAIL
- ★ THREE DRIVE-UP WINDOWS
- ★ SAFE DEPOSIT Boxes



Fraternity FEDERAL

SAVINGS AND LOAN ASSOCIATION

764-770 WASHINGTON BLVD. Baltimore 3, Maryland

AN INVITATION

You are cordially invited to join the St. Mary's County Historical Society. St. Mary's is the Mother County of Maryland.

Membership dues entitle you to a free subscription to the "Chronicles of St. Mary's," the Society's official publication, now in the eighth year of publication. The Chronicles are published monthly and contain ten pages of Maryland historical and genealogical data. Dues are as follows:

<i>Single</i>	\$3.00
<i>Husband and Wife</i>	5.00
<i>Supporting</i>	10.00
<i>Life</i>	100.00

Joint membership with the Maryland Historical Society available at \$9.00 single, \$11.00 for husband and wife.

Please mail check to:

Col. L. L. Cobb, *Treasurer*
St. Mary's City, Maryland

THE JESUIT MISSIONS of ST. MARY'S COUNTY, MARYLAND

A review of Catholic church history of Maryland from the settlement in 1634 to the American Revolution, including highlights of the parishes of the County from their foundation to the present time. The book contains 237 pages of text and is documented by 30 pages of notes. Approximately 4300 County names are included in the complete index. Also included is a record of hundreds of baptisms, marriages, etc., for the period 1760 to 1805.

Price \$7.50 — Order from

E. W. BEITZELL
930 H Street, N. W.
Washington 1, D. C.

Books as Gifts

His Lordship's Patronage. Offices of Profit in Colonial Maryland. By Donnell M. Owings. 1953. \$6.00.

The Dulans of Maryland, Biographical Study, Daniel Dulany, the Elder, and the Younger. By Aubrey C. Land. 1955. \$6.00.

William Buckland, 1734-1774. Architect of Virginia and Maryland. By Rosamond Randall Beirne and John Henry Scarff, F.A.I.A. 1958. \$7.50.

Indians of Early Maryland. By Harold R. Manatee. 1959. 48 pp. Cloth bound \$1.80.

Add 25 cents for mailing and Maryland sales tax where applicable.

ORDER FROM
MARYLAND HISTORICAL
SOCIETY

For Christmas—

Why not give membership in the Maryland Historical Society?

The Quarterly Magazine and the Quarterly History Notes will bring your friends, especially those with a Maryland background, no matter where they live, reminders of old Maryland, recent findings in Maryland history, summaries of recent celebrations, and other events relating to our rich heritage.

I enclose \$. for dues of person(s) named below.
Please send information direct. ☐

Name:

Address:

Name:

Address:

I believe the person(s) named below will be interested.
Please send information direct. ☐

Name:

Address:

Name:

Address:

.

Your Signature

Annual dues of the Society are \$8 and up; husband and wife \$12; life membership \$150. Subscriptions to the *Magazine* and to the quarterly news bulletin, *Maryland Historical Notes*, are included in the membership fee as well as use of the collections and admission to the lectures. The library, portrait gallery and museum rooms, are open daily except Sunday, 9 to 5, Saturday, 9 to 1. *June 15 to Sept. 15*, daily 9 to 4, Saturday, 9 to 1.

THE MARYLAND HISTORICAL SOCIETY

H. IRVINE KEYSER MEMORIAL BUILDING

201 W. MONUMENT STREET, BALTIMORE 1

GEORGE L. RADCLIFFE, *President*; JAMES W. FOSTER, *Director*